

EXHIBIT E

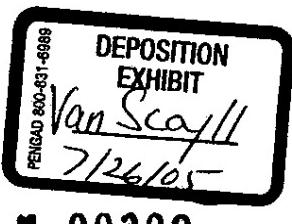


HOME



Vanscoy Diamond Mine provides high quality diamonds to other diamond distributors.

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00309

 VAN SCOY DIAMOND MINE
of Delaware, Inc.

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Products found: 716

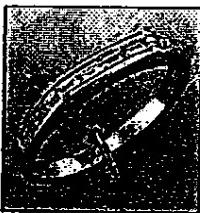
Bracelets & Bangles
Colored Stone
Diamond
Colored Stone
Rings
Bands
Diamond Rings
Anniversary
Mountings
Wedding Bands
Earrings
Colored Stone
Diamond
Pendants/Necklaces



Price: \$2799.00
Carat Weight: 3.00
Style Number: 6826D
Description: Round
Metal: 14kt w/g
[More Info](#)



Price:
Carat W
Style Nu
Descript
Metal:



Price: \$650.00
Carat Weight: 0.29
Style Number: 4I26DB
Description: Baguette
Metal: 14kt w/g
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Price:
Carat W
Style Nu
Descript
Metal:



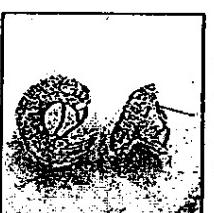
Price: \$575.00
Carat Weight: 0.22
Style Number: 4H98DM
Description: Baguette & Round
Metal: 14kt w/g
[More Info](#)



Price:
Carat W
Style Nu
Descript
Metal:



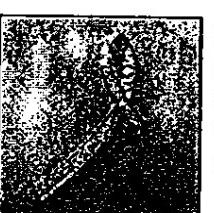
Price: \$899.00
Carat Weight: 0.75
Style Number: 2H86DS
Description: Round
Metal: 14kt w/g
[More Info](#)



Price:
Carat W
Style Nu
Descript
Metal:



Price: \$75.00
Carat Weight: 0.06
Style Number: 2Q07DS
Description: Single Cut Round
Metal: 14kt w/g
[More Info](#)



Price:
Carat W
Style Nu
Descript
Metal:

Page 1 of 72

1 2 3 4 5 6 7

00310

Most styles are available in all metals

Call for pricing and availability

Prices may change without notice

Carat weights are approximate total weights

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ABOUT US



>> MORE STORE IMAGES

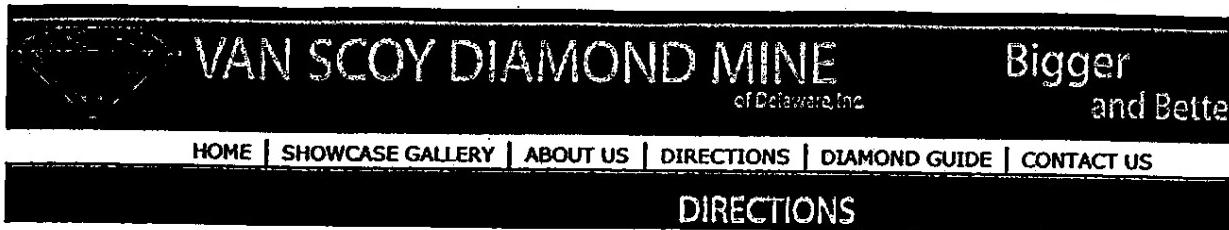
Van Scoy Diamond Mine is a direct diamond source, offering the finest quality diamonds that are guaranteed better for less, IN WRITING!

We give this guaranty for many reasons, that of a reputable jeweler. A jeweler that has a "Reputable Image!" Our sales staff is non-commissioned which we pass along to all our customers, by lower prices and making sure you know exactly what do not have exactly what you are looking for for you overnight, at no obligation. There are since we offer the best price all the time, and any pressure from our customers. In fact we shopping around, so you can appreciate all why your decision has been made to purchase the

of jewelry, any alterations (sizing, setting) can be done within only one hour. Also giving you on manufacturers defect or workmanship. There is no comparison between Van Scoy Diamond other jeweler, for these reasons as well as many others. We'd love to share with you the reliability building for over 70 years with our customers, so come and enjoy the experience.

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From the Baltimore Area:

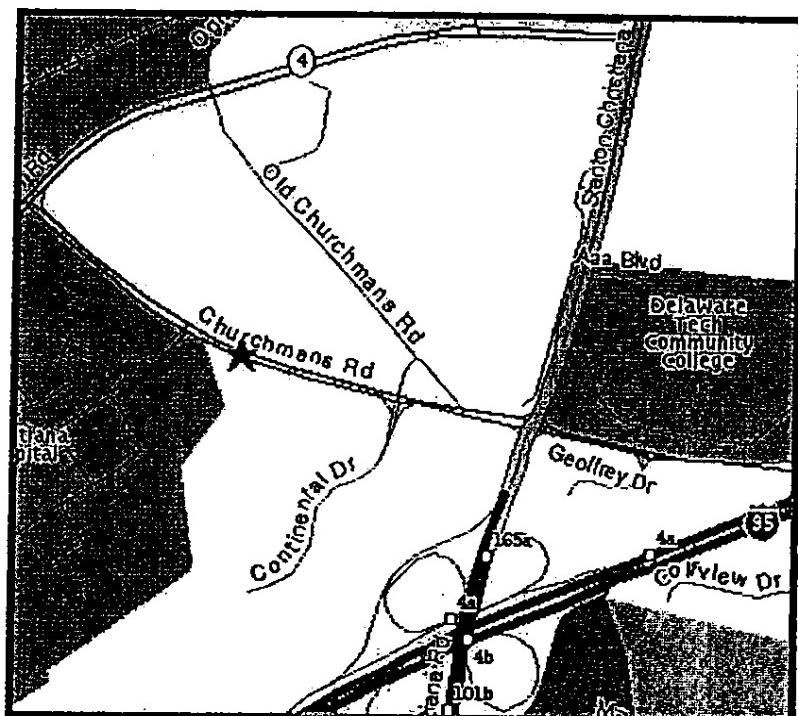
Take 195 north into Delaware. Once in Delaware get off exit 4B follow exit til you get on route 1 mile and take exit 166 off of route 7 north, when on exit stay to your right and merge into traffic. Go approximately 1/4 mile, we are located on the right hand side, directly across from Churchman's Place Plaza.

From the Greater Philadelphia Area:

Take 195 south into Delaware. Follow 195 south til you get to exit 4B, stay to your right off I-95 appoximately 1/4 to 1/2 mile we are located on the right hand side directly across from Mich the Churchman's Place Plaza.

From Southern Delaware:

Take route 1 north into the Neware Area, look for exit 166 off of route 1. Stay to your right \ end of the exit ramp and go right. Go approximately 1/4 mile on right, directly across from N in Churchman's Place Plaza.



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DIAMOND GUIDE



A great diamond has four main qualities that it is just more about the 4 C's of purchasing a diamond choc

Cut Color
 Clarity Carat Weight

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DIAMOND GUIDE

Name:

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E-mail:

Comments:

Submit

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* 00315

EXHIBIT F

REDACTED

EXHIBIT G

LAW OFFICES OF
MICHAEL F. PETOCK

FAX 610-933-9300
MFP@PLaw-Petock.com
www.IPLaw-Petock.com

INTELLECTUAL PROPERTY ATTORNEY
46 THE COMMONS AT VALLEY FORGE
1220 VALLEY FORGE ROAD
POST OFFICE BOX 856
VALLEY FORGE, PENNSYLVANIA 19482-0856

PATENT, TRADEMARK
AND
RELATED MATTERS

TELEPHONE
610-935-8600

November 18, 2004

Kurt and Donna Van Scoy
Diamond Mine of Delaware, Inc.
1117 Churchmans Road
Newark, DE 19713

CERTIFIED MAIL
Return Receipt Requested

Re: Infringement of Service Marks and Trademark of
Mr. Wayne Van Scoy - U.S. Service Mark Reg. No.
1,140,958 for the Mark "VAN SCOY DIAMOND MINE"
for Retail Jewelry Store Services in International Class 42
and Trademark Reg. No. 1,140,711 for the Mark
"VAN SCOY DIAMOND MINE" for Jewelry and
Precious Stones in International Class 14
My File: 443-12

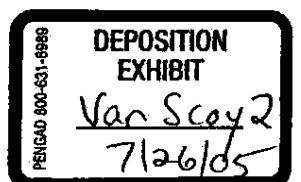
Dear Mr. and Mrs. Van Scoy:

I represent Mr. Wayne Van Scoy in intellectual property matters.

My client owns the rights in the above-identified service mark and trademark registrations. I am enclosing a copy of each of the above-identified registrations for your convenience.

It is hereby demanded that you immediately cease and desist from infringement of the above-identified federally registered service mark and trademark of Mr. Wayne Van Scoy and account for past infringement. You must immediately stop using any form of the name "VAN SCOY DIAMOND MINE" and confusing similar variations thereof on the name of your store, in advertising, in commercials, on stationary, boxes, bags, literature, internet website and any other place where you are using the mark in connection with your business. It is important that you stop all use immediately as Mr. Wayne Van Scoy intends to have a franchise moving into your area.

The Trademark Laws provide for significant remedies including, but not limited to, recovery of your profits, damages multiplied by three, an injunction and the payment of Mr. Wayne Van Scoy's attorney's fees.



Kurt and Donna Van Scoy

-2-

November 18, 2004

A response to this letter is due within ten (10) days giving assurance that infringement will cease.

This letter is written without prejudice to any position that Mr. Wayne Van Scoy may take should litigation prove necessary.

If I do not receive a response from you, it will be understood that the foregoing is correct.

Sincerely,

MICHAEL F. PETOCK

Certified Mail No. 7099 3400 0003 9206 3270

CC: Mr. Wayne Van Scoy

MFP/rks
KVanSc11.014

U.S. Postal Service CERTIFIED MAIL RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)	
Article Sent To:	
Postage	\$.60
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 4.65
Postmark Here	
Name (Please Print Clearly to be completed by mailer) Kurt + Donna Van Scoy - Diamond Mine of DE, INC. Street, Apt. No., or PO Box No. 1117 Churchmans Road City, State, ZIP+4 Newark, DE 19713	
PS Form 3811, July 1999	
See Reverse for Instructions	

SENDER:	
<input type="checkbox"/> Complete items 1 and/or 2 for additional services. <input type="checkbox"/> Comprehensive items 3, 4a, and 4b. <input type="checkbox"/> Print your name and address on the reverse of this form so that we can return this card to you. <input type="checkbox"/> Attach this form to the front of the mailpiece, or on the back if space does not permit. <input type="checkbox"/> Write 'Return Receipt Requested' on the mailpiece below the article number. <input type="checkbox"/> The Return Receipt will show to whom the article was delivered and the date delivered.	
3. Article Addressed to:	4. Article Number
Kurt and Donna Van Scoy Diamond Mine of Delaware, Inc. 1117 Churchmans Road Newark, DE 19713	
5. Received By: (Print Name) <i>Michael F. Petock</i>	6. Signature - Addressee's Signature <i>X</i>
7. Date of Delivery <i>11/20/04</i>	
8. Addressee's Address (Only if requested and fee is paid) Domestic Return Receipt	
<input type="checkbox"/> Registered <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> CPD <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Insured	
I also wish to receive the following services (for an extra fee):	
<input type="checkbox"/> Addressee's Address <input type="checkbox"/> Restricted Delivery Consult postmaster for fee.	

Thank you for using Return Receipt Service.

Int. Cl: 42

Prior U.S. Cl: 101

Reg. No. 1,140,958

United States Patent and Trademark Office Registered Oct. 28, 1980

10 Year Renewal/New Cert.

Renewal Term Begins Oct. 28, 2000

SERVICE MARK
PRINCIPAL REGISTER
REGISTRATION ASSIGNED

VAN SCOY DIAMOND MINE

VAN SCOY, WAYNE (UNITED STATES
CITIZEN)
154 MUNDY STREET
WILKES-BARRE, PA 18702, BY ASSIGN-
MENT VAN SCOY DIAMOND MINES,
INC. (PENNSYLVANIA CORPORA-
TION) EDWARDSVILLE, PA

APPLICANT MAKES NO CLAIM TO
THE EXCLUSIVE USE OF THE WORD
"DIAMOND" APART FROM THE MARK
AS SHOWN IN THE DRAWINGS, BUT
RESERVES ANY COMMONLAW RIGHTS
IT MAY HAVE THEREIN.

FOR: [RENDERING OF TECHNICAL
AID AND ASSISTANCE IN THE ESTAB-
LISHMENT AND/OR OPERATION OF
RETAIL JEWELRY STORES], IN CLASS
35 (U.S. CLS. 100, 101 AND 102).
FIRST USE 5-26-1977; IN COMMERCE
5-26-1977.

FOR: RETAIL JEWELRY STORE SER-
VICES, IN CLASS 42 (U.S. CL. 101).
FIRST USE 11-0-1976; IN COMMERCE
3-11-1977.
SER. NO. 73-169,527, FILED 5-8-1978.



*In testimony whereof I have hereunto set my hand
and caused the seal of The Patent and Trademark
Office to be affixed on Oct. 2, 2001.*

Nicholas P. Galai

DIRECTOR OF THE U.S. PATENT AND TRADEMARK OFFICE

Int. Cl.: 14

Prior U.S. Cl.: 28

Reg. No. 1,140,711

United States Patent and Trademark Office Registered Oct. 21, 1980

10 Year Renewal/New Cert.

Renewal Term Begins Oct. 21, 2009

TRADEMARK
PRINCIPAL REGISTER
REGISTRATION ASSIGNED

VAN SCOV DIAMOND MINE

VAN SCOV, WAYNE (UNITED STATES
CITIZEN)
154 MUNDY STREET
WILKES-BARRE, PA 18702, BY ASSIGN-
MENT VAN SCOV DIAMOND MINES,
INC. (PENNSYLVANIA CORPORA-
TION) EDWARDSVILLE, PA
APPLICANT MAKES NO CLAIM TO
THE EXCLUSIVE USE OF THE WORD
"DIAMOND" APART FROM THE MARK
AS SHOWN, BUT RESERVES ANY COM-
MON LAW RIGHTS IT MAY HAVE
THEREIN.

FOR: JEWELRY AND PRECIOUS
STONES, IN CLASS 14 (U.S. CL. 28).

FIRST USE 3-11-1977; IN COMMERCE
3-11-1977.

SER. NO. 73-169,526, FILED 5-8-1978.



*In testimony whereof I have hereunto set my hand
and caused the seal of The Patent and Trademark
Office to be affixed on Oct. 2, 2001.*

Nicholas P. Gallo

DIRECTOR OF THE U.S. PATENT AND TRADEMARK OFFICE

EXHIBIT H



In the Matter Of:

Van Scoy

v.

Van Scoy Diamond Mine of Delaware, Inc.

C.A. # 05-108 (KAJ)

Transcript of:

Donna Van Scoy

September 19, 2005

Wilcox & Fetzer, Ltd.
Phone: 302-655-0477
Fax: 302-655-0497
Email: lhertzog@wilfet.com
Internet: www.wilfet.com

Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

WAYNE VAN SCOY,)
Plaintiff,)
v.) Civil Action
VAN SCOY DIAMOND MINE OF) No. 05-108 (KAJ)
DELAWARE, INC., KURT VAN SCOY)
AND DONNA VAN SCOY,)
Defendants.)

Videotape deposition of DONNA VAN SCOY taken pursuant to notice at the law offices of Ashby & Geddes, 17th floor, 222 Delaware Avenue, Wilmington, Delaware, beginning at 9:58 a.m. on September 19, 2005, before Lucinda M. Reeder, Registered Diplomate Reporter and Notary Public.

APPEARANCES:

MICHAEL F. PETOCK, ESQ.
MICHAEL C. PETOCK, ESQ.
PETOCK & PETOCK, LLC
222 Delaware Avenue, 17th Floor
Wilmington, Delaware 19801
for the Plaintiff,

CHARLES N. QUINN ESQ.
FOX ROTHSCHILD LLP
2000 Market Street - Tenth Floor
Philadelphia, PA 19103-3291
for the Defendants.

ALSO PRESENT:

WAYNE VAN SCOY
KURT VAN SCOY
CAROL FEENEY, DISCOVERY VIDEO SERVICES

WILCOX & FETZER, LTD.
1330 King Street - Wilmington, Delaware 19801
(302) 655-0477

Page 2

1 THE VIDEOGRAPHER: This is the videotaped
 2 deposition of Donna Van Scoy, taken by the plaintiff
 3 in the matter of Wayne Van Scoy versus Van Scoy
 4 Diamond Mine of Delaware, Incorporated, Kurt Van Scoy,
 5 and Donna Van Scoy, Civil Action No. 05-108- (KAJ)
 6 held in the offices of Ashby & Geddes, 222 Delaware
 7 Avenue, Wilmington, Delaware on September 19th, 2005
 8 at approximately 9:58 a.m.

9 The court reporter is Cindy Reeder, from
 10 the firm of Wilcox & Fetzer. My name is Carol Feeley,
 11 a video specialist from Discovery Video Services, in
 12 association with Wilcox & Fetzer.

13 Counsel will introduce themselves, and the
 14 reporter will swear in the witness.

16 MR. MICHAEL F. PETOCK: I'm Michael F.
 17 Petock, for the plaintiff.

18 MR. QUINN: I'm Charles M. Quinn, for the
 19 defendants.

20 MR. MICHAEL C. PETOCK: Michael C. Petock,
 21 for plaintiff.

Page 3

1 DONNA VAN SCY,
 2 the witness herein, having first been
 3 duly sworn on oath, was examined and
 4 testified as follows:

5 MR. QUINN: I would like to make a
 6 statement before we start. The notice of deposition
 7 for Mrs. Van Scoy asked that she bring and produce any
 8 documents that have not already been produced for the
 9 plaintiff that she reviewed in preparation for this
 10 deposition. And I state to you that there are none.

11 MR. MICHAEL F. PETOCK: Thank you.
 12 BY MR. MICHAEL F. PETOCK:

13 Q. Mrs. Van Scoy, I am going to ask you some
 14 questions today.

15 MR. QUINN: Excuse me. Are we going to
 16 have a stipulation as to read, signing?

17 MR. MICHAEL F. PETOCK: If you want to,
 18 yes.

19 MR. QUINN: We had it before. I think
 20 it's appropriate.

21 MR. MICHAEL F. PETOCK: So she's going to
 22 reserve the right to read and sign you are saying?

23 MR. QUINN: Yes.

24 MR. MICHAEL F. PETOCK: Fine.

Page 4

1 Anything else?
 2 MR. QUINN: No. That's fine by me.
 3 MR. MICHAEL F. PETOCK: Okay.
 4 MR. QUINN: She can sign before any notary
 5 public.

6 MR. MICHAEL C. PETOCK: Do you want to
 7 stipulate to objections, Dad?

8 MR. MICHAEL F. PETOCK: Well, all
 9 objections are reserved until the time of trial except
 10 to the form of the question.

11 MR. QUINN: That's fine.

12 MR. MICHAEL F. PETOCK: The same
 13 stipulation continues.

14 BY MR. MICHAEL F. PETOCK:

15 Q. Mrs. Van Scoy, I am going to ask you some
 16 questions today. The court reporter is taking down
 17 everything that is said. Do you understand that?

18 A. Yes.

19 Q. And you understand you are under oath and you
 20 have an obligation to tell the truth?

21 A. Yes.

22 Q. You also understand that you are not to consult
 23 with your counsel during the deposition with respect
 24 to any questions that have been asked or anticipated

Page 5

1 to be asked?

2 A. Yes.

3 Q. Do you understand that?

4 A. Yes.

5 Q. Do you understand that you have to answer the
 6 questions unless your counsel instructs you not to
 7 answer the question.

8 A. Mm-hmm.

9 Q. Can you tell me: How old are you?

10 A. 42.

11 Q. And do you have any education beyond high
 12 school?

13 A. Yes.

14 Q. What is that?

15 A. An X-ray technician.

16 Q. When did you -- did you get a certificate as an
 17 X-ray technician?

18 A. Yes. A certificate. I have four years of
 19 schooling after high school.

20 Q. Where did you get that certificate from?

21 A. Connecticut.

22 Q. Where in Connecticut?

23 A. I don't remember the name right now.

24 Q. Where did you grow up at?

Page 6	Page 8
<p>1 A. Nanticoke, Pennsylvania.</p> <p>2 Q. And how far is that from Wilkes-Barre?</p> <p>3 A. Ten miles.</p> <p>4 Q. Were you familiar with Van Scov Diamond Mine</p> <p>5 Stores at the time you grew up in Wilkes-Barre?</p> <p>6 A. Yes.</p> <p>7 Q. Was there radio advertising on the radio by</p> <p>8 Tommy Van Scov, Sr.?</p> <p>9 A. Yes.</p> <p>10 Q. Did you consider the name to have been well</p> <p>11 known at the time you were growing up in Wilkes-Barre?</p> <p>12 A. Yes.</p> <p>13 Q. What is your work experience after high school?</p> <p>14 A. My work experience. I went to school and</p> <p>15 became an X-ray technician.</p> <p>16 Q. Did you work as an X-ray technician?</p> <p>17 A. Yes.</p> <p>18 Q. For how long?</p> <p>19 A. Ten years.</p> <p>20 Q. Did you hold any other jobs?</p> <p>21 A. No.</p> <p>22 Q. Did you ever work in a Van Scov Diamond Mine</p> <p>23 Store?</p> <p>24 A. I work in one now.</p>	<p>1 open the store. I don't really know that percentage.</p> <p>2 Q. Do you know what your percentage is today?</p> <p>3 A. No, I do not.</p> <p>4 Q. You are part owner of the store?</p> <p>5 A. I guess I would say, 50 percent. We do</p> <p>6 everything half and half.</p> <p>7 MR. QUINN: I am sure Mr. Petock does not</p> <p>8 want you to guess. Correct?</p> <p>9 Q. Yes. You give us your best information.</p> <p>10 A. Okay.</p> <p>11 Q. What are your -- do you work in the store</p> <p>12 Van Scov Diamond Mine of Delaware, Inc., right now?</p> <p>13 A. Yes.</p> <p>14 Q. I'll refer to it as "Van Scov Diamond Mine</p> <p>15 store in Delaware." Okay?</p> <p>16 A. Okay.</p> <p>17 Q. What are your job duties there?</p> <p>18 A. I pay the receipts and I pay the bills.</p> <p>19 Q. What do you mean when you say you do the</p> <p>20 receipts?</p> <p>21 A. I open the receipts every day and do -- put the</p> <p>22 money in the checkbook, and then I pay the bills in</p> <p>23 turn.</p> <p>24 Q. These receipts are payments coming in from</p>
Page 7	Page 9
<p>1 Q. I'm sorry. Did you ever work in a Van Scov</p> <p>2 diamond store before -- strike that. When did you</p> <p>3 open a store Van Scov Diamond Mine of Delaware, Inc.?</p> <p>4 A. My husband opened it in November of '94.</p> <p>5 Q. Did you also open it as part of the</p> <p>6 corporation?</p> <p>7 A. I wasn't there until a year and a half later.</p> <p>8 Q. Did you ever work in a Van Scov Diamond Mine</p> <p>9 store prior to November of 1994?</p> <p>10 A. No.</p> <p>11 Q. Did you invest some money in the opening of the</p> <p>12 Van Scov Diamond Mine store in Delaware?</p> <p>13 A. Yes.</p> <p>14 Q. How much did you invest?</p> <p>15 A. 20,000.</p> <p>16 Q. Where did that money come from?</p> <p>17 A. I took out two consecutive loans at the same</p> <p>18 time.</p> <p>19 Q. In your name?</p> <p>20 A. Yes.</p> <p>21 Q. And at that time, you became a percentage owner</p> <p>22 in Van Scov Diamond Mine of Delaware, Inc. Is that</p> <p>23 correct?</p> <p>24 A. I don't know. I just gave my husband money to</p>	<p>1 customers?</p> <p>2 A. Payments and sales, yes.</p> <p>3 Q. What do you mean by "sales"?</p> <p>4 A. Anything that is sold. Anything that is</p> <p>5 documented from a customer.</p> <p>6 Q. So that's sales in the store and sales -- and</p> <p>7 receipts that come in through the mail. Is that</p> <p>8 correct?</p> <p>9 A. There are none in the mail. It's just usually</p> <p>10 people coming in.</p> <p>11 Q. Do you have any other job responsibilities at</p> <p>12 Van Scov Diamond Mine in Delaware?</p> <p>13 A. No. I'm very part-time.</p> <p>14 Q. How much time do you spend at the store?</p> <p>15 A. Four hours a day, maybe if I'm there. Maybe</p> <p>16 four days a week.</p> <p>17 Q. What days a week do you work?</p> <p>18 A. Usually Tuesday through Friday.</p> <p>19 Q. Have these responsibilities, job duties changed</p> <p>20 from 1994?</p> <p>21 A. No.</p> <p>22 Q. From 1994 to present, you were always doing the</p> <p>23 same thing, working part-time and only handling the</p> <p>24 receipts and deposits. Is that correct?</p>

Page 10	Page 12
<p>1 A. Correct.</p> <p>2 Q. Does your husband Kurt Van Scoy have any 3 education beyond high school?</p> <p>4 A. No.</p> <p>5 Q. When did you meet Kurt Van Scoy?</p> <p>6 A. 1992.</p> <p>7 Q. Where did you meet him?</p> <p>8 A. The Woodlands.</p> <p>9 Q. What is that?</p> <p>10 A. A nightclub.</p> <p>11 Q. And where is that?</p> <p>12 A. In Wilkes-Barre.</p> <p>13 Q. And has your relationship with Kurt been good?</p> <p>14 A. Yes.</p> <p>15 Q. Do you communicate freely on everything?</p> <p>16 A. Yes.</p> <p>17 Q. Do you communicate freely with respect to the 18 operation of Van Scoy Diamond Mine store in Delaware?</p> <p>19 A. Not in a business sense; just how was our day. 20 Some days are very stressful.</p> <p>21 Q. What about decisions on when to advertise and 22 how to advertise?</p> <p>23 A. He solely does the advertising.</p> <p>24 Q. You don't give him any communication or input</p>	<p>1 many customers come in the door.</p> <p>2 Q. And when does the Christmas period end as far 3 as your selling is concerned?</p> <p>4 A. Christmas eve.</p> <p>5 Q. Do you do anything with respect to keeping 6 track of finances?</p> <p>7 A. No.</p> <p>8 Q. Who does that?</p> <p>9 A. Our accountant.</p> <p>10 Q. How does he do that?</p> <p>11 A. He comes to our store twice a month and does 12 the bookkeeping.</p> <p>13 Q. What does he use to do the bookkeeping?</p> <p>14 A. My computer.</p> <p>15 Q. What's on your computer?</p> <p>16 A. The invoices that go in and the checks that 17 come out.</p> <p>18 Q. Who is your accountant?</p> <p>19 A. James Bellenger.</p> <p>20 Q. He is located where?</p> <p>21 A. In Bear, Delaware.</p> <p>22 Q. Does the accountant give you back a summary 23 each month?</p> <p>24 A. No.</p>
Page 11	Page 13
<p>1 on that?</p> <p>2 A. I think it's expensive and I'd rather not.</p> <p>3 Q. Do you discuss like, it's good to advertise 4 before Christmas or something like that?</p> <p>5 A. No, I don't.</p> <p>6 Q. What about the layout of the ads, do you get 7 involved in that at all?</p> <p>8 A. No.</p> <p>9 Q. Do you wait on customers?</p> <p>10 A. At Christmas time, yes.</p> <p>11 Q. Do you wait on customers at any other time of 12 the year?</p> <p>13 A. Not usually.</p> <p>14 Q. How would you define "Christmas time"?</p> <p>15 A. Our busiest time of the year.</p> <p>16 Q. But from when to when would that extend?</p> <p>17 A. I would say, it depends every year, but mostly 18 two weeks prior.</p> <p>19 Q. So in November, you wouldn't be waiting on 20 customers?</p> <p>21 A. Not necessarily.</p> <p>22 Q. What do you mean by "not necessarily"?</p> <p>23 A. If someone were to be on vacation, I may have 24 to cover. We usually have enough staff to cover how</p>	<p>1 Q. Does the accountant give you anything back?</p> <p>2 A. No. He does everything.</p> <p>3 Q. What do you mean "he does everything"?</p> <p>4 A. I don't need a summary because he does the 5 taxes. So he does what he needs to do on my computer 6 and then follows up with it every month and at the end 7 of the year.</p> <p>8 Q. At some point in time, you changed the name of 9 your website address from Van Scoy Diamond Mine.com to 10 Van Scoy Diamonds of Delaware.com. Do you know when 11 you did that?</p> <p>12 A. No.</p> <p>13 Q. Was there an invoice for doing that?</p> <p>14 A. No. The only invoice I get is from the company 15 itself.</p> <p>16 Q. What company is that?</p> <p>17 A. I believe it was Trusion.</p> <p>18 Q. Trusion. T-R-U-S-I-O-N?</p> <p>19 A. Mm-hmm. Yes.</p> <p>20 Q. What do they do?</p> <p>21 A. I am not sure. I didn't have anything to do 22 with the Internet.</p> <p>23 Q. You don't recall ever getting an invoice that 24 you had to pay for making that change?</p>

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1 A. No. It was just a monthly Internet fee.
 2 Q. Do you know what Scoy Development, S-C-O-Y-
 3 D-E-V is?
 4 A. No.
 5 Q. Have you ever seen that before?
 6 A. Never heard of it.
 7 Q. Why did you decide to open a store in
 8 Wilmington, Delaware?
 9 MR. QUINN: Objection to the form of the
 10 question. I don't think the foundation for that has
 11 been established.
 12 Q. You can answer the question. He objected, but
 13 you still have to answer the question.
 14 A. Why, I don't really remember.
 15 Q. Why didn't you open one in Wilkes-Barre?
 16 A. Because there was already one there.
 17 Q. Did the same thing apply for Allentown?
 18 A. I don't know. I don't know. Sorry.
 19 Q. And the store that was opened in Wilmington at
 20 1117 Churchmans Road or street, that was the same
 21 location that Tommy Van Scoy previously had a store
 22 there. Is that correct?
 23 MR. QUINN: Objection to the form of the
 24 question. The question presumes a store was opened in

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1 have this marked as Plaintiff's Exhibit 17.
 2 (Plaintiff's Exhibit No. 17 was marked for
 3 identification.)
 4 BY MR. MICHAEL F. PETOCK:
 5 Q. I show you what's been marked as Plaintiff's
 6 Exhibit 17. Can you identify that?
 7 A. It's a lease agreement.
 8 Q. For what is the lease agreement?
 9 A. To lease the property.
 10 Q. What property? Is it the lease for your store?
 11 A. Yes.
 12 Q. That's Van Scoy Diamond Mine of Delaware, Inc.
 13 Is that correct?
 14 A. Yes.
 15 Q. And I direct your attention to the fourth page
 16 of the document, which is identified in the lower
 17 right-hand corner as D 000754. Do you see that?
 18 A. Mm-hmm.
 19 Q. Isn't that -- is that your signature on there,
 20 Donna Van Scoy?
 21 A. Yes.
 22 Q. That's a lease guarantee. Isn't that correct?
 23 A. Yes.
 24 Q. It's for the location of your Van Scoy Diamond

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1 Wilmington. I think that's actually not actually
 2 correct.
 3 Q. Can you answer the question?
 4 A. I forgot it now. I'm sorry.
 5 MR. QUINN: You can have it read back if
 6 you'd like.
 7 Q. You opened a store at 1117 Churchmans Road, is
 8 it?
 9 A. Yes.
 10 Q. You opened that in about November of 1994. Is
 11 that correct?
 12 A. Yes.
 13 Q. And at that same location, about a year and a
 14 half year earlier Tommy Van Scoy, Sr. had operated a
 15 store there. Is that correct?
 16 A. I was told that.
 17 Q. Who told you that?
 18 A. My father-in-law and my husband.
 19 Q. Your father-in-law was Tommy Van Scoy, Sr.?
 20 A. Yes.
 21 Q. You signed a personal guarantee on the lease on
 22 that property when you opened it. Isn't that correct?
 23 A. I don't remember.
 24 MR. MICHAEL F. PETOCK: I would like to

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1 Mine store. Is that not correct?
 2 A. Yes.
 3 Q. That was in October of 1994?
 4 A. Yes.
 5 Q. Were you an officer or director of Van Scoy
 6 Diamond Mine of Delaware, Inc.?
 7 A. Secretary.
 8 Q. When you say you're secretary?
 9 A. That's what it says on the form.
 10 Q. On what form?
 11 A. The corporation form.
 12 MR. MICHAEL F. PETOCK: I guess we
 13 haven't received that form, Charlie. I'd ask that you
 14 produce it.
 15 BY MR. MICHAEL F. PETOCK:
 16 Q. What do you do as secretary of the corporation?
 17 A. As I told you before, receipts and the bills.
 18 Q. Do you do anything else --
 19 A. No.
 20 Q. -- in connection with being secretary of the
 21 corporation?
 22 A. Well, I do sales and take out the trash as
 23 well.
 24 Q. Have you attended any corporate meetings?

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<p>1 A. No.</p> <p>2 Q. Have you ever attended any corporate meetings?</p> <p>3 A. I don't remember.</p> <p>4 MR. MICHAEL F. PETOCK: I would like to have this marked as Plaintiff's Exhibit 18.</p> <p>6 (Plaintiff's Deposition Exhibit No. 18 was marked for identification.)</p> <p>8 BY MR. MICHAEL F. PETOCK:</p> <p>9 Q. I show you what's been marked as Plaintiff's Exhibit 18. Do you recognize that?</p> <p>11 A. No.</p> <p>12 Q. Do you know what it is?</p> <p>13 A. Minutes of annual meeting of shareholders and directors.</p> <p>15 Q. Of what corporation?</p> <p>16 A. Van Scoy.</p> <p>17 Q. Diamond Mine of Delaware, Inc. Isn't that correct?</p> <p>19 A. Correct.</p> <p>20 Q. It says there that the only shareholder present was Kurt Van Scoy, is that correct, in the lower portion of the page?</p> <p>23 A. Yes.</p> <p>24 Q. Those are the minutes for 2005, is that</p>	<p>1 that?</p> <p>2 A. It looks like the same thing as the prior one.</p> <p>3 Q. That's minutes for Van Scoy Diamond Mine of Delaware, Inc., the annual meeting?</p> <p>5 A. Yes.</p> <p>6 Q. But it's for 2004. Is that correct?</p> <p>7 A. That's what it says, yes.</p> <p>8 Q. Again, you were not present at the meeting. Is that correct?</p> <p>10 A. Correct.</p> <p>11 Q. Again on the second page, you are nominated and were unanimously elected to be vice-president?</p> <p>13 A. No, I was not.</p> <p>14 Q. You were not?</p> <p>15 A. I am not the vice-president.</p> <p>16 Q. You are the secretary?</p> <p>17 A. I am the secretary.</p> <p>18 Q. Even though the minutes say you are vice-president?</p> <p>20 A. It must have been a mistake.</p> <p>21 MR. MICHAEL F. PETOCK: I would like to have this marked as P-20.</p> <p>23 (Plaintiff's Exhibit No. 20 was marked for identification.)</p>
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<p>1 correct, the first paragraph?</p> <p>2 A. I guess. I don't know.</p> <p>3 Q. That's what it says, isn't that correct, the second line, the first paragraph?</p> <p>5 A. I guess.</p> <p>6 Q. Is that correct?</p> <p>7 A. If that's what it says.</p> <p>8 Q. Isn't it true that on page 2 you were appointed as vice-president or elected as vice-president?</p> <p>10 A. No.</p> <p>11 Q. I direct your attention to the second group of names listing. It says, "President, Kurt Van Scoy, vice-president, Donna Van Scoy." Do you see that?</p> <p>14 A. Yes.</p> <p>15 Q. Isn't it true that you are vice-president of the corporation?</p> <p>17 A. I never heard of that before.</p> <p>18 MR. MICHAEL F. PETOCK: I would like to have this marked as Plaintiff's Exhibit 19.</p> <p>20 (Plaintiff's Exhibit No. 19 was marked for identification.)</p> <p>22 By MR. MICHAEL F. PETOCK:</p> <p>23 Q. I show you what's been marked as Plaintiff's Exhibit 19, P-19, Plaintiff's 19. Can you identify</p>	<p>1 BY MR. MICHAEL F. PETOCK:</p> <p>2 Q. I show you what's been marked as Plaintiff's Exhibit 20. Can you identify that?</p> <p>4 A. I guess it's the same thing again for 2003.</p> <p>5 Q. And, again, does it show that you were not present at the meeting?</p> <p>7 A. Yes.</p> <p>8 Q. And, again, does it show that you were elected to be vice-president of the corporation?</p> <p>10 A. My name is listed as vice-president, but I am secretary. On every form, income tax form, I am secretary. This must be a mistake at my accountant's office.</p> <p>14 MR. MICHAEL F. PETOCK: Charlie, we request that you provide us with all documents that show Donna Van Scoy to be secretary of the corporation.</p> <p>18 MR. MICHAEL F. PETOCK: Would you mark this as Plaintiff's Exhibit 21?</p> <p>20 (Plaintiff's Deposition Exhibit No. 21 was marked for identification.)</p> <p>22 BY MR. MICHAEL F. PETOCK:</p> <p>23 Q. I show you what's been marked as Plaintiff's Exhibit 21. Can you identify that?</p>

<p style="text-align: right;">Page 22</p> <p>1 A. Shareholders and directors. 2 Q. Is it the minutes of the annual meeting of 3 shareholders and directors for Van Scy Diamond Mine 4 of Delaware, Inc. for the year 2002? 5 A. Yes. 6 Q. It shows you were not present at the meeting. 7 Is that correct? 8 A. Correct. 9 Q. On page 2, it shows again you were elected to 10 be vice-president of the corporation. Is that 11 correct? 12 A. As far as I know, I am the secretary. 13 Q. But the document says you are vice-president. 14 Is that correct? 15 A. It does say that, yes. 16 Q. Do you have any idea how what you characterize 17 as a mistake happened? 18 A. No, I don't. 19 Q. And to your knowledge, you don't recall 20 attending any corporate meetings? 21 A. No. 22 Q. Even though you are 50 percent stockholder? 23 A. Yes.</p>	<p>1 shareholders and directors of Van Scy Diamond Mine of 2 Delaware, Inc. for the year 2000. Is that correct? 3 A. Yes. 4 Q. It shows you were present at that meeting. Is 5 that correct? 6 A. I don't remember. 7 Q. Do you recall being at any meetings at the 8 offices of Ralph V. Estep? 9 A. No. 10 Q. Again, on page 2, it shows you being elected as 11 vice-president of the corporation. Is that correct? 12 A. Yes. 13 Q. But, again, you say that was an error and that 14 you were secretary. Is that correct? 15 A. Yes. 16 Q. What forms have you listed as secretary? 17 A. What forms do I have? 18 Q. What forms are you referring to that list you 19 as secretary of the corporation? 20 A. When we first started it. That's the only 21 thing I could think of that would say that, the very 22 first form. The one that would be Cayman 23 incorporated. 24 Q. You think the articles of incorporation say</p>
<p style="text-align: right;">Page 23</p> <p>1 have this marked as Plaintiff's Exhibit 22. 2 (Plaintiff's Exhibit No. 22 was marked for 3 identification.) 4 BY MR. PETOCK: 5 Q. Can you identify Plaintiff's Exhibit 22? 6 A. Shareholders meeting, 2001. 7 Q. Of the corporation Van Scy Diamond Mine of 8 Delaware, Inc. Isn't that correct? 9 A. Yes. 10 Q. And it shows, again, you were not present at 11 the meeting. Is that correct? 12 A. Correct. 13 Q. On page 2, it shows also you were elected to be 14 vice-president of the corporation? 15 A. Yes. 16 MR. MICHAEL F. PETOCK: Is the next 17 number 23? 18 (Plaintiff's Exhibit No. 23 was marked for 19 identification.) 20 BY MR. MICHAEL F. PETOCK: 21 Q. I show you what's been marked as Plaintiff's 22 Exhibit 23. Do you recognize that? 23 A. Some minutes of a meeting. 24 Q. It's the minutes of the annual meeting of</p>	<p>1 that? 2 A. Yes. To my knowledge. 3 Q. Take a look at Plaintiff's Exhibit P-23. Take 4 a look at the last page, which is marked D000758. 5 A. Mm-hmm. 6 Q. Is that your signature on there? 7 A. No. 8 Q. Above the name "Donna Van Scy," is that not 9 your signature? 10 A. No. 11 Q. Do you know who signed your name? 12 A. No. 13 Q. Do you know who wrote that signature on there? 14 A. No. 15 MR. QUINN: Objection. The question has 16 been asked and answered. 17 Q. Can you take a look at P-22, the last page? 18 Whose signature is that? 19 A. Kurt's. 20 MR. QUINN: Objection. I instruct the 21 witness to give me a second to get my objection in 22 before you give the answer. 23 A. Sorry. 24 MR. QUINN: To what signature does the</p>

<p style="text-align: right;">Page 26</p> <p>1 question refer?</p> <p>2 MR. MICHAEL F. PETOCK: Well, okay. The</p> <p>3 signature above the name "Kurt Van Scoy."</p> <p>4 Q. You can answer the question now.</p> <p>5 A. Kurt Van Scoy.</p> <p>6 Q. Can I ask you to go back and take a look at</p> <p>7 P-23 again?</p> <p>8 A. Absolutely.</p> <p>9 Q. The last page, D000758. Above the name "Kurt</p> <p>10 Van Scoy" in two places, whose signature is that?</p> <p>11 A. Kurt Van Scoy.</p> <p>12 (Plaintiff's Exhibit No. 24 was marked for</p> <p>13 identification.)</p> <p>14 BY MR. MICHAEL F. PETOCK:</p> <p>15 Q. I show you what's been marked as Plaintiff's</p> <p>16 Exhibit 24. Is that the minutes of the annual meeting</p> <p>17 of shareholders and directors of Van Scoy Diamond Mine</p> <p>18 of Delaware, Inc., for the year 1999?</p> <p>19 A. Yes.</p> <p>20 Q. It shows you were present as a shareholder at</p> <p>21 that meeting. Is that correct?</p> <p>22 A. Yes.</p> <p>23 Q. The second page also shows that you were</p> <p>24 elected vice-president of the corporation for the</p>	<p style="text-align: right;">Page 28</p> <p>1 Q. I show you what's been marked as Plaintiff's</p> <p>2 Exhibit 25. Is that the minutes of the annual meeting</p> <p>3 of shareholders and directors of Van Scoy Diamond Mine</p> <p>4 of Delaware, Inc. for the year 1998?</p> <p>5 A. Yes.</p> <p>6 Q. That also shows that you were present at that</p> <p>7 meeting. Is that correct?</p> <p>8 A. It says I was.</p> <p>9 Q. Were you present at that meeting?</p> <p>10 A. I don't remember.</p> <p>11 Q. On page 2, which is D000763, it shows you being</p> <p>12 elected as vice-president of the corporation. Is that</p> <p>13 correct?</p> <p>14 A. Yes.</p> <p>15 Q. I direct your attention to page 3, which is</p> <p>16 D000764. Above the signature line "Donna Van Scoy,"</p> <p>17 is that your signature?</p> <p>18 A. No.</p> <p>19 Q. Did you authorize anyone to put your signature</p> <p>20 on that?</p> <p>21 A. I don't recall.</p> <p>22 Q. Above the -- in two places, above the signature</p> <p>23 line "Kurt Van Scoy," is that Kurt's signature?</p> <p>24 A. Yes.</p>
<p style="text-align: right;">Page 27</p> <p>1 year. Is that correct?</p> <p>2 A. Yes.</p> <p>3 Q. On the third page, which is D000761, there is a</p> <p>4 signature for Donna Van Scoy. Is that your signature</p> <p>5 on there?</p> <p>6 A. No.</p> <p>7 Q. Do you know who signed that?</p> <p>8 A. No.</p> <p>9 Q. Did Kurt sign that?</p> <p>10 MR. QUINN: Object. Asked and answered.</p> <p>11 She's already answered the question she doesn't know.</p> <p>12 You don't need to answer the question.</p> <p>13 Q. Did Kurt sign?</p> <p>14 A. I don't know.</p> <p>15 Q. Above the -- in two places on that same page</p> <p>16 above the signature line "Kurt Van Scoy," is that</p> <p>17 Kurt's signature?</p> <p>18 A. Yes.</p> <p>19 MR. MICHAEL F. PETOCK: I would like to</p> <p>20 have this marked as Plaintiff's Exhibit 25.</p> <p>21 (Plaintiff's Exhibit No. 25 was marked for</p> <p>22 identification.)</p> <p>23</p> <p>24 BY MR. MICHAEL F. PETOCK:</p>	<p style="text-align: right;">Page 29</p> <p>1 Q. Did you ever attend a corporate meeting at a</p> <p>2 lawyer's name of Aregood in Wilkes-Barre?</p> <p>3 A. I believe so.</p> <p>4 Q. Do you believe that would have been at the 1996</p> <p>5 meeting?</p> <p>6 A. I don't remember.</p> <p>7 Q. Do you recall being at any meeting in</p> <p>8 Mr. Aregood's office in which tradename issues were</p> <p>9 discussed?</p> <p>10 A. No.</p> <p>11 Q. In 1996, were you aware that there was a</p> <p>12 proceeding started in the bankruptcy court to enjoin</p> <p>13 the use of the Van Scoy Diamond Mine?</p> <p>14 A. I knew there was a bankruptcy case. That's all</p> <p>15 I knew.</p> <p>16 Q. How did you know there was a bankruptcy case?</p> <p>17 A. Because my father-in-law was going through it.</p> <p>18 I didn't know the details.</p> <p>19 Q. Did you know that the store in Wilkes-Barre --</p> <p>20 that the Van Scoy Diamond Mine in Wilkes-Barre was</p> <p>21 padlocked by the bankruptcy court at one time?</p> <p>22 A. Yes. I was told that.</p> <p>23 Q. Did you also know at some later date they had</p> <p>24 to take the name down, they had to change their name</p>

1 on the store in Wilkes-Barre?
 2 A. As of this trial, I found that out.
 3 Q. Prior to the institution of this lawsuit, you
 4 didn't know about that?
 5 A. No, I did not.
 6 Q. Do you know where the meetings are for -- or
 7 the minutes for the meetings for the corporation
 8 Van Scoy Diamond Mine for '95, '96, '97?
 9 A. No.
 10 MR. MICHAEL F. PETOCK: Charlie, I'd ask
 11 that you produce the minutes for the meetings for the
 12 years '95, '96 and '97.
 13 BY MR. MICHAEL F. PETOCK:
 14 Q. Was there ever any concern expressed by Kurt or
 15 concern on your behalf about using the name "Van Scoy
 16 Diamond Mine"?
 17 A. No.
 18 Q. Did Tommy Van Scoy, Sr. ever say anything to
 19 you that would give you permission to use the name
 20 "Van Scoy Diamond Mine"?
 21 A. Yes. He gave it to us.
 22 Q. What did he say to you?
 23 A. He said, "Good luck and I hope you guys do
 24 well."

1 Q. When did he say that?
 2 A. When we opened the store. No. Prior, when he
 3 gave us all the showcases and the sign and everything.
 4 Q. Where was he when he said that?
 5 A. In my store.
 6 Q. He was in your store and he was giving you the
 7 showcases and the sign in your store? Is that
 8 correct?
 9 MR. QUINN: Object.
 10 A. He gave Kurt the equipment. He didn't
 11 physically bring it. He said, "Good luck to you."
 12 That's all.
 13 Q. That's all he said?
 14 A. I am sure there was more, but I don't recall.
 15 Q. Did he ever do anything which would imply any
 16 type of permission to use the name "Van Scoy Diamond
 17 Mine?"
 18 A. He used to come down to our store and work when
 19 we had a sale or something big or just to come down
 20 and help us out.
 21 Q. When was that?
 22 A. Numerous times.
 23 Q. In what year?
 24 A. '94, '95.

1 Q. How did he help you out?
 2 A. Actually just stood and helped make sales and
 3 helped keep the girls motivated.
 4 Q. Did he ever say anything about the corporation
 5 Van Scoy Diamond Mine of Delaware, Inc. impliedly
 6 received any permission to use the mark "Van Scoy
 7 Diamond Mine"?
 8 A. I knew nothing about a mark until this trial.
 9 Q. So he was telling you good luck with the store
 10 hoping you were successful. Is that correct?
 11 A. That's correct.
 12 Q. And you took his comments "good luck" to mean
 13 that you could use the mark in Delaware, is that
 14 correct, in Newark, Delaware?
 15 A. I don't understand the question.
 16 Q. What was your understanding of the scope of the
 17 permission that was granted to you, allegedly granted
 18 to you by the words "good luck"?
 19 A. He allowed us to open the store and wished us
 20 good luck.
 21 Q. In Newark, Delaware?
 22 A. Yes.
 23 Q. Nowhere else?
 24 A. Nowhere else was ever brought up, I guess.

1 Q. Are you aware that at some point in time
 2 somebody blocked out the word "Mine" from the sales
 3 receipts of Delaware Diamond Mine of Delaware, Inc.?
 4 A. Yes.
 5 Q. Did you ever block out of any of those?
 6 A. No.
 7 Q. Do you know who did it?
 8 A. Yes. My employees.
 9 Q. Who was that?
 10 A. Pardon?
 11 Q. Who was that?
 12 A. Megan Rump and Karen Vayo.
 13 Q. Megan Rump, R-U-M-P?
 14 A. Yes.
 15 Q. What was the other name?
 16 A. Karen Vayo, V-A-Y-O.
 17 Q. V-A-Y-L-E?
 18 A. V-A-Y-O.
 19 Q. How do you identify yourself on sales receipts?
 20 A. "DVS."
 21 Q. Did the two girls do this jointly?
 22 A. Yes.
 23 Q. Megan and Karen?
 24 A. Yes.

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1 Q. When did they do that?
 2 A. After we received notification of the lawsuit.
 3 Q. You mean after you received the cease and
 4 desist letter?
 5 A. Yes.
 6 Q. These sales receipts, do they come in a booklet
 7 or in individual forms, multi-part individual forms?
 8 A. In a carbon copy form notebook.
 9 Q. They are in a notebook?
 10 A. Mm-hmm.
 11 Q. So you tear one off as you use it?
 12 A. Yes.
 13 Q. Were these crossed out one at a time as --
 14 A. No.
 15 Q. How many were done at one time, do you know?
 16 A. Well, the entire book.
 17 Q. Did you use any of the sales receipts with the
 18 name "Mine" blocked out?
 19 A. Yes.
 20 Q. Were you upset that you were doing that?
 21 A. No.
 22 Q. Did you tell the girls Megan and Karen Rump --
 23 Megan Rump and Karen --
 24 A. Vayo.

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1 A. No. I later said we didn't need to do it.
 2 Q. Why did you later tell her that you did not
 3 need to do it?
 4 A. Under the advice of counsel.
 5 Q. What was that advice?
 6 MR. QUINN: Objection. That's privileged
 7 information. You are instructed not to answer.
 8 MR. MICHAEL F. PETOCK: If she's relying
 9 upon advice of counsel, it's not privileged.
 10 MR. QUINN: It certainly is.
 11 MR. MICHAEL F. PETOCK: It certainly is
 12 not.
 13 BY MR. MICHAEL F. PETOCK:
 14 Q. So when you first directed them to cross out
 15 "Mine" from the sales receipts, did you believe that
 16 crossing out "Mine" would avoid infringement?
 17 MR. QUINN: Objection to the form of the
 18 question. It's leading.
 19 A. I don't understand it anyway.
 20 Q. In the beginning, you requested Megan and Karen
 21 to cross out "Mine" from the sales receipt. Is that
 22 correct?
 23 MR. QUINN: Objection. Misleading.
 24 A. Yes.

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1 Q. -- Vayo not to do it?
 2 A. I'm confused.
 3 Q. Did you tell Karen Rump -- I'm sorry. Did you
 4 tell Megan Rump and Karen Vayo not to cross out the
 5 word "Mine" from the sales receipts any longer?
 6 A. Yes.
 7 Q. You felt that there was no need to cross out
 8 the word "Mine." Is that correct?
 9 A. Yes.
 10 Q. Did you chastise Karen and Megan for crossing
 11 out the sales receipts?
 12 A. "Chastise" meaning?
 13 Q. Tell them they really did a wrong thing by
 14 crossing it out, that they shouldn't take -- I presume
 15 they took this on themselves and did it?
 16 MR. QUINN: Objection. There is no
 17 question on the table.
 18 Q. How did it come that Karen and Megan crossed
 19 out the word "Mine" on the sales receipts?
 20 A. I told them to.
 21 Q. You told them to?
 22 A. Yes.
 23 Q. And then you later told them not to do it
 24 anymore?

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1 Q. And when you asked them to do that, did you
 2 believe that would solve the problem with respect to
 3 the cease and desist letter and being a violation of
 4 "Van Scy Diamond Mine"?
 5 MR. QUINN: Objection to the form of the
 6 question. It's a leading question.
 7 A. I don't understand.
 8 Q. When you instructed Megan and Karen to cross
 9 out the sales receipts, did you believe that was going
 10 to solve the problem with respect to Van Scy Diamond
 11 Mine.
 12 MR. QUINN: Objection to the question, the
 13 form. It's a leading question.
 14 MR. PETOCK: This is an adverse witness.
 15 I'm entitled to lead the witness.
 16 MR. QUINN: And objections to form are to
 17 be made today. We agreed on that at the beginning.
 18 BY MR. MICHAEL F. PETOCK:
 19 Q. Can you answer the question?
 20 A. I can tell you what I did. I don't really
 21 understand your question.
 22 MR. QUINN: If you don't understand the
 23 question, you should not answer it.
 24 Q. Tell me what you did.

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1 MR. QUINN: Is that a question?
 2 MR. MICHAEL F. PETOCK: Yes. Tell me what
 3 you did.
 4 MR. QUINN: That's not a question.
 5 MR. MICHAEL F. PETOCK: I'm asking: What
 6 did you do?
 7 MR. QUINN: That's a question.
 8 A. I received the letter and it said to stop using
 9 the name, so I thought I should cross it out, it would
 10 be a good idea. That's it.
 11 Q. By crossing out "Mine," you thought that would
 12 avoid the problem with "Van Scoy Diamond Mine"?
 13 MR. QUINN: Objection. That's not a
 14 question.
 15 Q. Is that correct?
 16 MR. QUINN: That's a leading question. I
 17 object to it as to form.
 18 Q. Is that correct?
 19 A. I don't know.
 20 Q. Just so the record is clear, what was the
 21 advice that you got from counsel with respect to
 22 blocking out the name "Mine"?
 23 MR. QUINN: Objection. That calls for
 24 inquiry into and to break the attorney-client

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1 Q. Just so I'm clear here. You said -- is it
 2 correct that you said you told Megan and Karen to
 3 cross out "Mine" from the receipts?
 4 MR. QUINN: Objection. The record will
 5 show what she said. The question has been asked and
 6 answered.
 7 Q. Will you answer that? I'm unclear.
 8 A. Yes.
 9 Q. When Kurt and you -- when Kurt goes on
 10 vacation, do you usually go with him?
 11 MR. QUINN: Objection. That's not a
 12 question.
 13 Q. Do you usually go with Kurt on vacations?
 14 A. Vacations, yes.
 15 Q. Was Kurt in the store when the cease and desist
 16 letter came in?
 17 A. No.
 18 Q. Did you consult with Kurt before you told Megan
 19 and Karen to cross out the word "Mine" from the sales
 20 receipts?
 21 A. No.
 22 Q. And you said you consulted with counsel with
 23 respect to the crossing out of "Mine" from the sales
 24 receipts. What counsel was that?

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1 privilege. The witness should not answer that
 2 question.
 3 Q. When did you tell employees to stop blocking
 4 out "Mine" from the sales receipts?
 5 A. They never started and stopped. They just did
 6 it one time.
 7 Q. When did you tell them not to do it any longer?
 8 A. I don't believe I have.
 9 Q. You said earlier that you told them not to do
 10 it any longer. Isn't that correct?
 11 MR. QUINN: Objection. The record will
 12 show what she said.
 13 A. I don't remember.
 14 MR. MICHAEL F. PETOCK: I guess you need
 15 a break now?
 16 THE VIDEOGRAPHER: Yes. Going off the
 17 record at 10:56 a.m.
 18 - - - - -
 19 THE VIDEOGRAPHER: Going back on the
 20 record at 11:05 a.m.
 21 BY MR. MICHAEL F. PETOCK:
 22 Q. During the break, did you discuss any of this
 23 testimony with your counsel, Mr. Quinn?
 24 A. No.

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1 A. I never discussed it with counsel. It was
 2 what -- I am not sure. I believe it was told to
 3 counsel what was done and I was told that it wasn't
 4 necessary.
 5 MR. QUINN: Limit your response to the
 6 question that was asked.
 7 BY MR. MICHAEL F. PETOCK:
 8 Q. Who told you it wasn't necessary?
 9 A. I don't recall.
 10 Q. Was it Kurt?
 11 A. I don't recall.
 12 Q. When did this occur?
 13 A. What occur?
 14 Q. That you were told that it was no longer
 15 necessary to cross out "mine."
 16 MR. QUINN: Objection. That's not a
 17 question.
 18 Q. When did it occur?
 19 A. I don't recall.
 20 Q. When you told Megan and Karen to cross out
 21 "Mine" from the sales receipts, did you also consider
 22 changing the store sign?
 23 A. No.
 24 Q. And why not?

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1 A. I don't make those kinds of decisions.
 2 Q. Did you consider changing "Van Scy Diamond
 3 Mine" on the Internet?
 4 A. I don't deal with the Internet.
 5 Q. Who deals with the Internet?
 6 A. Kurt.
 7 Q. Did you believe that "Van Scy Diamonds of
 8 Delaware, Inc." would not be an infringement of
 9 "Van Scy Diamond Mine"?
 10 A. I don't know.
 11 Q. Do you have any belief as to that?
 12 A. I don't really understand the question.
 13 Q. Did you believe that deleting the word "Mine"
 14 from "Van Scy Diamond Mine of Delaware, Inc." would
 15 obviate or eliminate the problem with the cease and
 16 desist letter?
 17 A. I still don't understand.
 18 Q. What don't you understand about it?
 19 A. I just did it because it said to stop using the
 20 name. That was my own decision. And I don't know why
 21 I did it.
 22 (Plaintiff's Exhibit No. 26 was marked for
 23 identification.)
 24 BY MR. MICHAEL F. PETOCK:

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1 Q. I show you what's been marked as Plaintiff's
 2 Exhibit No. 26. Can you identify that?
 3 A. It's a receipt to a customer.
 4 Q. And it's a receipt of the store Van Scy
 5 Diamond Mine of Delaware, Inc. Is that correct?
 6 A. Yes.
 7 Q. On that receipt the word "Mine" is blocked out.
 8 Is that correct?
 9 A. Yes.
 10 Q. The date of this is November 24th, 2004?
 11 A. Yes.
 12 MR. QUINN: Objection. Leading. It's not
 13 a question.
 14 Q. Whose initials are in there where it says "sold
 15 by"?
 16 A. Mine, "DVS."
 17 Q. And was this the first day that a sales receipt
 18 was used with the word "Mine" blocked out of the
 19 "Van Scy Diamond Mine of Delaware, Inc."?
 20 A. I am not sure of the first day.
 21 Q. By the way, did you receive the cease and
 22 desist letter?
 23 A. I didn't sign for it, no.
 24 Q. Did you open it?

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1 A. Yes.
 2 (Plaintiff's Exhibit No. 27 was marked for
 3 identification.)
 4 BY MR. MICHAEL F. PETOCK:
 5 Q. I show you what's been marked as Plaintiff's
 6 27. Can you identify that?
 7 A. It's a receipt.
 8 Q. Of what?
 9 A. From our store.
 10 Q. What date is that?
 11 A. 11/24.
 12 Q. That doesn't have "Mine" blocked out. Is that
 13 correct?
 14 A. Correct.
 15 Q. Is that by Megan Rump?
 16 A. Yes.
 17 Q. Does that help refresh your recollection as to
 18 whether the first day that sales occurred with "Mine"
 19 blocked out was November 24th?
 20 A. It would seem so.
 21 Q. I'll also represent for the record that we
 22 requested your counsel to produce all the sales
 23 invoices with "Mine" blocked out and the first date
 24 was November 24th.

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1 A. Okay.
 2 Q. Do you believe that "Van Scy Jewelers" would
 3 not infringe the service mark or trademark "Van Scy
 4 Diamond Mine"?
 5 A. I don't know.
 6 Q. What's your belief?
 7 MR. QUINN: She just answered the
 8 question. So she doesn't have to answer it again. I
 9 object.
 10 MR. MICHAEL F. PETOCK: It's a different
 11 question.
 12 MR. QUINN: The first question was: Do
 13 you believe? And the second question was: What is
 14 your belief? Those are the same questions. We can
 15 have the reporter read them back.
 16 BY MR. MICHAEL F. PETOCK:
 17 Q. Do you have any personal opinion on it?
 18 MR. QUINN: How does that question differ
 19 from her belief?
 20 Q. Answer the question, please.
 21 MR. QUINN: I have an objection to the
 22 question as to the form. It's been asked and
 23 answered.
 24 A. I don't know.

1 Q. How did it come about that -- I'll represent to
 2 you that the last date that an invoice was produced by
 3 your counsel with "Mine" blocked out was March 31,
 4 2005. How did it come about that you stopped blocking
 5 out "Mine"?

6 A. I only blocked it out one time, all the
 7 receipts we had.

8 Q. Were they then told not to block it out any
 9 further, any longer?

10 A. It was never really brought up again. We just
 11 blocked out the ones we had, and that was the end of
 12 it.

13 Q. You never told them not to block it out
 14 anymore?

15 MR. QUINN: Objection. It's been asked
 16 and answered.

17 MR. MICHAEL F. PETOCK: You are
 18 obstructing this deposition, Charlie.

19 MR. QUINN: I'm trying to get the
 20 questions to be asked in the proper form.

21 MR. MICHAEL F. PETOCK: Can you read back
 22 the last question, please?

23 (The reporter read as requested.)

24 BY MR. MICHAEL F. PETOCK:

1 Q. You testified they blocked out the word "Mine"
 2 on one occasion. Is that correct?

3 A. Correct.

4 Q. And is it your testimony that they were never
 5 instructed to block it out again after that?

6 A. That is correct.

7 (Plaintiff's Exhibit No. 28 was marked for
 8 identification.)

9 BY MR. MICHAEL F. PETOCK:

10 Q. I show you what's been marked as Plaintiff's
 11 Exhibit 28. Would you look through that? Are all of
 12 those sales receipts sales made by you?

13 A. Some are payments, so, no.

14 Q. I'm sorry. What?

15 A. No, they are not sales made by me.

16 Q. Which ones are not sales made by you?

17 A. 11/29/04, Joe Lamonaco; Tom Sharrar, 3/9/05;
 18 Michael Lenoir, 12/24.

19 MR. QUINN: Speak up so she can hear you.

20 A. Michael Lenoir, 12/24/04; David Fillippone,
 21 12/28/04; Mark Garcia, 12/21.

22 MR. QUINN: Is that all?

23 A. Chris Harrison, 1/10/05.

24 Q. You said 1/10/05? Is that 1105?

1 A. 1/10/05.

2 MR. MICHAEL C. PETOCK: She's talking
 3 about dates.

4 MR. MICHAEL F. PETOCK: Oh.

5 BY MR. MICHAEL F. PETOCK:

6 Q. First of all, all of those are sales receipts
 7 of Van Scy Diamond Mine of Delaware, Inc. Is that
 8 correct?

9 A. Yes.

10 Q. And all of them except for the first one has
 11 "Mine" blocked out of "Van Scy Diamond Mine of
 12 Delaware, Inc." Isn't that correct?

13 A. And the last one was.

14 Q. I think you said the invoice -- first of all,
 15 these are all sales receipts of Van Scy Diamond Mine
 16 of Delaware, Inc. Is that correct?

17 A. Yes.

18 Q. And I believe you said the invoice of 11/29/04,
 19 which is D001269, to Joe Lamonaco --

20 A. Yes.

21 Q. -- was not a sale made by you?

22 MR. QUINN: I instruct the witness to wait
 23 till the question is asked before you respond.

24 A. It was a payment taken.

1 Q. I'm sorry?

2 A. A payment.

3 Q. Oh. So you are distinguishing between sales
 4 and payments?

5 A. Yes.

6 Q. But all of these sales receipts are invoices --
 7 are transactions handled by you on these invoices. Is
 8 that correct?

9 A. Except one.

10 Q. Which one is that?

11 A. Dr. Garcia.

12 Q. 11/21/04?

13 A. Yes.

14 Q. And that bears the initials "DVS." Is that
 15 correct?

16 A. Yes.

17 Q. Are you saying that's not your initial on
 18 there?

19 A. It is my initials, but it was Kurt's sale.

20 Q. But you wrote up the sales receipt, is that
 21 correct, where you marked Garcia on 11/21/04?

22 A. I just put my initials.

23 Q. Is that your handwriting on the sales receipt?

24 A. No. It's Kurt's. Yes, it's Kurt's.

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1	Q. Kurt's. Why did you put your initials on it?	1 BY MR. MICHAEL F. PETOCK:
2	A. Because he forgot to. When I was doing the	2 Q. Van Scoy Diamond Mine of Delaware, Inc. changed
3	receipts, I probably just put "DVS."	3 its website address from Van Scoy Diamond Mine.com to
4	Q. Why is that important?	4 Van Scoy Diamonds of Delaware.com. Is that correct?
5	A. Well, just if a customer comes in, you know who	5 MR. QUINN: Objection. Leading.
6	waited on them.	6 Q. Is that correct?
7	Q. Are commissions paid to the salespeople?	7 A. I don't know anything about the website.
8	A. No.	8 Q. You don't know that?
9	(Plaintiff's Deposition Exhibit No. 29 was	9 A. I have already stated that, nothing.
10	marked for identification.)	10 Q. You don't know that the name has been changed?
11	MR. QUINN: Excuse me. Does that mean	11 A. No.
12	this whole collection? They're paper-clipped, but not	12 Q. Do you ever look at the website?
13	stapled like the others were.	13 A. No.
14	MR. MICHAEL C. PETOCK: It's all a	14 Q. Do you know how long that website has been up?
15	collection. It should have been stapled.	15 A. No, I do not.
16	MR. QUINN: Thank you.	16 Q. Do you have a computer at home?
17	BY MR. MICHAEL F. PETOCK:	17 A. No.
18	Q. I show you what's been marked as Plaintiff's	18 Q. Do you have Internet access at your computer at
19	Exhibit 29. First of all, are all of these sales	19 your desk in the store?
20	receipts, sales receipts of Van Scoy Diamond Mine of	20 A. I believe so.
21	Delaware, Inc.?	21 Q. Do you ever go on the Internet?
22	A. Yes.	22 A. No.
23	Q. And do all of them have "Mine" crossed out?	23 (Plaintiff's Exhibit No. 30 was marked for
24	A. Yes.	24 identification.)
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1	Q. Are these all sales made by Kurt?	1 BY MR. MICHAEL F. PETOCK:
2	A. Yes.	2 Q. I show you what's been marked as Plaintiff's
3	Q. Where was Kurt when the cease and desist letter	3 Exhibit 30. Do you recognize that?
4	came in. Do you know?	4 A. Yes.
5	A. Yes. He was out of town on a hunting trip.	5 Q. What is that?
6	Q. In Northeast, Pennsylvania?	6 A. The letter that we received in the mail.
7	A. Yes.	7 Q. That's the cease and desist letter. Is that
8	MR. QUINN: Object.	8 correct?
9	A. Sorry.	9 A. If that's what it's called, yes.
10	MR. QUINN: That's not a question.	10 Q. In that letter, I am telling you that I
11	Q. There are question marks after all those	11 represent Mr. Wayne Van Scoy. Is that correct?
12	things.	12 A. Yes.
13	MR. QUINN: Well, it may be in your mind,	13 Q. And attached to the letter were copies of
14	but not --	14 trademark -- copies of the trademark and a service
15	MR. MICHAEL C. PETOCK: Charlie, you asked	15 mark registration. Is that correct?
16	questions in the same exact way in your deposition,	16 A. Mm-hmm. Yes.
17	and we didn't do that to you. It's -- you did the	17 Q. And you saw that there were two registrations
18	exact same thing. I just want to point that out.	18 for "Van Scoy Diamond Mine," both owned by Wayne
19	MR. QUINN: Thank you for your assistance.	19 Van Scoy?
20	I don't agree with that characterization.	20 A. Yes.
21	MR. MICHAEL C. PETOCK: Read the	21 Q. The letter also represented to you that my
22	transcript, Charlie. It's very clear from the	22 client, Wayne Van Scoy, owned the service mark and
23	transcript.	23 trademark registrations. Isn't that correct?
24		24 A. Yes.

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<p>1 Q. At that point in time, you were also -- it was 2 demanded that you immediately cease and desist from 3 infringement of the -- of the identified federally 4 registered service mark and trademark of Mr. Wayne 5 Van Scoy. Is that correct?</p> <p>6 MR. QUINN: Objection. The letter says 7 what it says.</p> <p>8 Q. Isn't that correct?</p> <p>9 A. That's what it says.</p> <p>10 Q. When you read that letter, you knew then that 11 Wayne Van Scoy owned the federal trademark 12 registration. Isn't that correct?</p> <p>13 A. At that moment, yes.</p> <p>14 Q. And that Wayne Van Scoy, the plaintiff, was 15 demanding that you stop any further use of the marks 16 "Van Scoy Diamond Mine." Isn't that correct?</p> <p>17 A. Yes.</p> <p>18 Q. And also you knew that any permission which was 19 allegedly given by Tommy Van Scoy, Jr. -- Sr., was 20 terminated. Isn't that correct?</p> <p>21 A. No.</p> <p>22 Q. Why do you say that?</p> <p>23 A. I didn't even know there was a trademark.</p> <p>24 Q. But when you received the letter, you knew</p>	<p>1 and characterized this letter as saying something 2 about Mr. Tommy Van Scoy and make -- 3 MR. MICHAEL F. PETOCK: I didn't 4 characterize that in the letter.</p> <p>5 MR. QUINN: You did. Please read the last 6 question back.</p> <p>7 (The reporter read as requested.)</p> <p>8 MR. QUINN: I stand on what I just said.</p> <p>9 There is no mention of Tommy Van Scoy in this letter.</p> <p>10 And the question as read back mentions his name and 11 asks the question --</p> <p>12 MR. MICHAEL F. PETOCK: It mentions his 13 name, but it asks a different question.</p> <p>14 MR. QUINN: -- as to what permission was 15 given about Mr. Tommy Van Scoy. The question is 16 objectionable. The letter says what it says. And 17 that's my position.</p> <p>18 BY MR. MICHAEL F. PETOCK:</p> <p>19 Q. Can you answer the question?</p> <p>20 A. What question?</p> <p>21 Q. The question was: When you received the cease 22 and desist letter, you knew that any alleged 23 permission given by Tommy Van Scoy, if any, was 24 terminated?</p>
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<p>1 that. Correct?</p> <p>2 MR. QUINN: Objection. Objection. That's 3 leading.</p> <p>4 MR. MICHAEL F. PETOCK: Objection. You 5 are obstructing the deposition.</p> <p>6 MR. QUINN: The letter is silent --</p> <p>7 MR. MICHAEL F. PETOCK: Objection.</p> <p>8 MR. QUINN: -- with respect to anything 9 about Mr. Tommy Van Scoy.</p> <p>10 MR. MICHAEL F. PETOCK: Objection. You 11 are testifying. Mr. Quinn, you are testifying. And I 12 demand that you stop testifying.</p> <p>13 MR. QUINN: You can demand it all you 14 want. I am not going to stop raising my objections.</p> <p>15 MR. MICHAEL F. PETOCK: You are making a 16 speaking objection.</p> <p>17 MR. QUINN: Let me speak so we get 18 something clear. Otherwise, I'm going to talk while 19 you are talking and the transcript is not going to be 20 clear.</p> <p>21 MR. MICHAEL F. PETOCK: I don't care. 22 You are not allowed to coach the witness or lead the 23 witness. You are coaching the witness.</p> <p>24 MR. QUINN: When you asked the question</p>	<p>1 A. No.</p> <p>2 Q. Why do you say that?</p> <p>3 A. Because my father-in-law gave us the name to 4 use. And he was still alive at this time.</p> <p>5 Q. But there was nothing in writing as to any 6 permission. Is that correct?</p> <p>7 MR. QUINN: Objection. Leading.</p> <p>8 A. To my knowledge.</p> <p>9 Q. And the only permission that was given -- the 10 only words that were given in the form of permission 11 were "good luck"?</p> <p>12 MR. QUINN: Objection. Leading.</p> <p>13 Q. Isn't that correct?</p> <p>14 MR. QUINN: Objection. Leading.</p> <p>15 A. To my knowledge.</p> <p>16 MR. MICHAEL F. PETOCK: Charlie, I am 17 allowed to lead an adverse witness, an adverse party. 18 I wish you'd stop objecting these frivolous objections 19 and obstructing this deposition.</p> <p>20 MR. QUINN: I am not obstructing the 21 deposition.</p> <p>22 MR. MICHAEL F. PETOCK: Yes, you are.</p> <p>23 MR. QUINN: We stipulated at the beginning 24 that all objections were waived until the time of</p>

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<p>1 trial, except for the form of the question. And those 2 are the objections I am making. They're leading 3 questions.</p> <p>4 MR. MICHAEL C. PETOCK: The judge would 5 not appreciate a leading objection to an adverse 6 witness. I am sure he wouldn't allow that and I am 7 sure if we were to take it to the judge --</p> <p>8 MR. QUINN: Then there shouldn't have been 9 any stipulation as to the leading -- all objections 10 being waived except as to leading because then it's 11 meaningless. The stipulation is meaningless.</p> <p>12 MR. MICHAEL C. PETOCK: It's not an 13 objection in good faith when you know you can't make a 14 leading objection to an adverse witness.</p> <p>15 MR. QUINN: It is an objection made in 16 good faith. I resent any implication or assertion 17 that these objections are not made in good faith.</p> <p>18 MR. MICHAEL F. PETOCK: They cannot be 19 made in good faith when you know there is a perfect 20 right to ask leading questions as to an adverse party.</p> <p>21 MR. QUINN: I am standing on what I said 22 before. If you didn't want leading objections, we 23 should have stipulated that at the beginning, but we 24 didn't. We stipulated that all objections were waived</p>	<p>1 bankruptcy settlement?</p> <p>2 A. No.</p> <p>3 Q. Did you know anything about a settlement being 4 negotiated with the bankruptcy court on behalf of 5 Tommy Van Scoy, Sr. at the time that it was occurring 6 in 2000?</p> <p>7 A. No.</p> <p>8 Q. On the website, on your website, Van Scoy 9 Diamond Mine of Delaware.com., do you know whether 10 prices are on that site?</p> <p>11 A. I do not.</p> <p>12 Q. Do you know whether pictures of product are 13 shown on it?</p> <p>14 A. I do not.</p> <p>15 Q. Do you have any knowledge of any sales having 16 been made via the Internet, via your Internet website 17 in the last two months?</p> <p>18 A. No, I do not.</p> <p>19 Q. Would you know if sales were made via the 20 Internet?</p> <p>21 A. No.</p> <p>22 Q. Do you know what portion of your website is 23 called where the products are shown?</p> <p>24 A. Once again, I am not associated with the</p>
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<p>1 except for leading -- objections as to the form of the 2 question. And an objection as to a leading question 3 is an objection as to the form; therefore, I must make 4 them now or they are waived. And I don't intend to 5 waive them. You made the stipulation. We're going to 6 live with it.</p> <p>7 MR. MICHAEL F. PETOCK: You are not acting 8 in good faith.</p> <p>9 MR. QUINN: Pardon me?</p> <p>10 MR. MICHAEL F. PETOCK: You are not acting 11 in good faith.</p> <p>12 MR. QUINN: I resent that. I tell you I 13 am acting in the best of faith. I am trying to do my 14 job and create a record that is going to be clear for 15 the benefit of both parties and for the court.</p> <p>16 BY MR. MICHAEL F. PETOCK:</p> <p>17 Q. Were you ever involved in any discussions with 18 respect to any contributions to a bankruptcy 19 settlement in the bankruptcy proceeding of Tommy 20 Van Scoy, Sr.?</p> <p>21 A. No.</p> <p>22 Q. Did Kurt ever say anything to you about --</p> <p>23 A. No.</p> <p>24 Q. -- a request from Wayne to contribute to the</p>	<p>1 website at all.</p> <p>2 Q. You have never looked at it?</p> <p>3 A. Never. I don't have time.</p> <p>4 Q. Why do you not have time?</p> <p>5 A. I don't know.</p> <p>6 (Van Scoy Deposition Exhibit No. 31 was 7 mark for identification.)</p> <p>8 BY MR. MICHAEL F. PETOCK:</p> <p>9 Q. Before we go on to Plaintiff's Exhibit 31, do 10 you recall what day of the week it was when you 11 received the cease and desist letter?</p> <p>12 MR. QUINN: Excuse me. This is marked as 13 5. So this is -- do you want to keep the same number?</p> <p>14 MR. MICHAEL F. PETOCK: Well, we're going 15 to mark it again as 31.</p> <p>16 MR. QUINN: All right.</p> <p>17 BY MICHAEL F. PETOCK:</p> <p>18 Q. Do you recall what day of the week it was when 19 the cease and desist letter was received?</p> <p>20 A. Yes.</p> <p>21 Q. What day of the week was it?</p> <p>22 A. Saturday.</p> <p>23 Q. That would have been November 20th. Isn't that 24 correct?</p>

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1 A. If that's a Saturday, I would say, yes.	1 Q. Did you take any steps to preserve any evidence
2 Q. I show you now what's been marked as	2 after seeing the cease and desist letter in November?
3 Plaintiff's Exhibit 31. Can you identify that?	3 A. No.
4 A. Yes. It's the warranty that Mr. Van Scoy gave	4 Q. Do you know anything about the bankruptcy
5 us to use to give to our customers after they purchase	5 proceeding other than what you have already told us?
6 something.	6 A. No.
7 Q. And do you use that warranty in your store now?	7 Q. Did you ever go to the bankruptcy court?
8 A. Yes.	8 A. No.
9 Q. And have you always used it?	9 Q. Do you know if Kurt went to the bankruptcy
10 A. Yes.	10 court?
11 Q. And that's signed "Van Scoy Diamond Mine." Is	11 A. I don't know.
12 that correct?	12 Q. Did Kurt bring back some documents from
13 A. Yes.	13 Wilkes-Barre when he came back from his hunting trip
14 Q. And also the address "1117 Churchmans Place."	14 in the end of November of 2004?
15 Is that correct?	15 A. I don't know.
16 A. Yes.	16 Q. Did you ever see any documents from the
17 Q. The last paragraph of that warranty requires	17 bankruptcy court?
18 you to provide free cleaning and inspection for	18 A. Maybe in some of the evidence. I don't
19 damaged prongs for free for diamonds or product	19 remember.
20 purchased at any other Van Scoy Diamond Mine. Is that	20 Q. Did you ever see any at home or in the store?
21 correct?	21 A. No.
22 A. Yes.	22 Q. Did Kurt ever show you any bankruptcy
23 Q. Do you honor that policy?	23 documents?
24 A. Yes.	24 A. Not that I recall.
Page 63	Page 65
1 Q. Is that your policy to honor it?	1 MR. MICHAEL F. PETOCK: 33.
2 A. Yes.	2 (Plaintiff's Exhibit No. 33 was marked for
3 Q. Have you always used the warranty --	3 identification.)
4 A. Yes.	4 BY MR. MICHAEL F. PETOCK:
5 Q. -- since opening in 1994?	5 Q. I show you what's been marked Plaintiff's
6 A. Yes.	6 Exhibit No. 33.
7 Q. Have you ever refused to honor a warranty for	7 A. Part of the tax for advertising that you had
8 products sold by plaintiff Wayne Van Scoy?	8 requested.
9 A. Not that I know of.	9 Q. That document contains blocked out portions of
10 Q. Do you know of anyone in your store refusing to	10 your corporate tax returns Form 1120S for the years
11 clean jewelry which was purchased at plaintiff Wayne	11 1994 through 2004. Is that correct?
12 Van Scoy's store?	12 A. Yes.
13 A. Not that I know of.	13 Q. On that are shown -- the only numbers that were
14 (Plaintiff's Exhibit No. 32 was marked for	14 not blocked out was the advertising expenses?
15 identification.)	15 A. Yes.
16 BY MR. MICHAEL F. PETOCK:	16 Q. And are those correct figures to the best of
17 Q. I show you what's been marked as Plaintiff's	17 your knowledge?
18 Exhibit 32. Have you ever seen that letter before?	18 A. Did you ask if they are?
19 A. Yes.	19 Q. Yes, if they are correct figures to the best of
20 Q. When did you see it?	20 your knowledge.
21 A. In March, probably.	21 A. Yes.
22 Q. And did you take any steps to preserve evidence	22 Q. These are authentic copies of your corporate
23 after seeing this letter?	23 tax returns showing the advertising expenses for the
24 A. No.	24 years 1994 through 2004. Is that correct?

Page 66	Page 68
1 A. Yes.	1 continuously from 1994 to present?
2 Q. Continuing to look at Plaintiff's Exhibit 33.	2 A. Correct.
3 The advertising figures fluctuate somewhat. Do you	3 Q. I show you another box produced by your counsel
4 know any particular reason that they do that?	4 that's been marked as D001812 and bears on the inside
5 A. The amounts each year?	5 of the box cover "Van Scoy Diamond Mine." Is that a
6 Q. Yes. Is that just normal variation or is there	6 box that's used in the operation of your business,
7 any reason for it?	7 Van Scoy Diamond Mine of Delaware, Inc.?
8 A. I am not really sure. Kurt does the	8 A. Yes.
9 advertising. There could be different expenses, I	9 Q. How long has that been used?
10 guess.	10 A. I am not sure.
11 Q. Like advertising expenses for 2004 were	11 Q. More than two years?
12 \$52,270. Do you see that?	12 A. Yes.
13 A. Yes.	13 Q. And you are continuing to use all three of
14 Q. That's slightly less than the advertising	14 these in your business?
15 expenses for 1995 of \$54,803?	15 A. Yes.
16 A. Yes.	16 Q. And the boxes and bags are given to customers
17 Q. Any comment on why the advertising expenses are	17 with product sales. Is that correct?
18 just -- stayed constant even though there is	18 A. Correct.
19 inflation, ten years of inflation involved there?	19 Q. You also have in your possession, isn't it
20 A. I couldn't answer that. I don't know.	20 correct, some advertising audio tapes made by Thomas
21 Q. I noticed there was a jump in advertising	21 Van Scoy, Sr. Is that correct?
22 expenses from '99 to 2000. Approximately a little	22 A. Audio tapes?
23 less than \$60,000 to \$84,000. Any particular reason	23 Q. Advertising audio tapes.
24 for that?	24 A. Yes.
Page 67	Page 69
1 A. I don't know.	1 MR. MICHAEL F. PETOCK: Is there any
2 Q. Do you think that's just normal business	2 problem with "attorney's eyes only" to ask about these
3 variation, depending upon what advertising was done a	3 tapes? I am not hearing any. I am just asking some
4 particular year?	4 questions about it. It's already been filed in court
5 MR. QUINN: Is that a question?	5 papers.
6 MR. MICHAEL F. PETOCK: Yes. Go ahead.	6 MR. QUINN: Let's start. If there is,
7 A. Yes.	7 I'll raise the objection. Is that fair?
8 Q. I am going to show you a plastic bag I'll	8 MR. MICHAEL F. PETOCK: Okay.
9 represent has been produced by your counsel and marked	9 BY MR. MICHAEL F. PETOCK:
10 as D001813. It bears on both sides marked "Van Scoy's	10 Q. What are these tapes?
11 Diamond Mine." Is this a bag that's used in the	11 A. Advertisements.
12 operation of your store, Van Scoy Diamond Mine?	12 Q. And where did you get them?
13 A. Yes.	13 A. Tommy Van Scoy.
14 Q. How long have you been using that bag?	14 Q. Sr.?
15 A. Since 1994.	15 A. Sr.
16 Q. I show you a box produced by your counsel,	16 Q. Were they made by Tommy Van Scoy, Sr.?
17 which is marked D001811 and bears the mark on the	17 A. Yes.
18 inside of the box cover "Van Scoy Diamond Mine." Is	18 Q. Where did he make these at?
19 that a box that's used in the operation of your	19 A. The radio station in Wilkes-Barre, I believe.
20 business, Van Scoy Diamond Mine of Delaware, Inc.?	20 Q. Were they used in advertising on the radio?
21 A. Yes.	21 A. Yes.
22 Q. How long has that been used?	22 Q. And for how long?
23 A. 1994.	23 A. I am not sure.
24 Q. Both the bag and this box have been used	24 Q. Are they still being used on the radio

Page 70	Page 72
<p>1 advertising?</p> <p>2 A. I don't believe so.</p> <p>3 Q. When did you stop using them?</p> <p>4 A. I don't recall.</p> <p>5 Q. A year ago?</p> <p>6 MR. QUINN: Objection. She's answered the question. She doesn't recall.</p> <p>8 Q. Was it more than a year ago when you stopped using them?</p> <p>10 MR. QUINN: She's answered that question. She said she didn't recall.</p> <p>12 MR. MICHAEL F. PETOCK: Objection. You are coaching the witness and you are --</p> <p>14 MR. QUINN: I am not coaching the witness.</p> <p>15 MR. MICHAEL F. PETOCK: Yes, you are.</p> <p>16 MR. QUINN: You have asked the question once and now you are twisting the words.</p> <p>18 MR. MICHAEL F. PETOCK: It's a different question. I want to get some --</p> <p>20 MR. QUINN: She said she doesn't know.</p> <p>21 MR. MICHAEL F. PETOCK: I want to test the ability of her knowledge and of what her recollection is.</p> <p>24 MR. QUINN: She said she didn't know. How</p>	<p>1 Q. Why don't you want Wayne Van Scy to hear or see these tapes?</p> <p>3 A. I don't know that either.</p> <p>4 Q. Wouldn't the radio stations have copies of these tapes on file?</p> <p>6 A. I don't know.</p> <p>7 Q. What was the extent of the advertising?</p> <p>8 MR. QUINN: Objection. Vague and indefinite. What does "extent" mean?</p> <p>10 Q. You can answer the question, please, still?</p> <p>11 A. I don't know. I don't do the advertising.</p> <p>12 Q. But you know they were used on radio advertising?</p> <p>14 A. Yes.</p> <p>15 Q. Did you hear them on the radio?</p> <p>16 A. Yes.</p> <p>17 Q. Was it more than one station?</p> <p>18 A. I don't remember.</p> <p>19 Q. What did the tape say?</p> <p>20 A. I don't remember.</p> <p>21 MR. MICHAEL F. PETOCK: Why don't we break?</p> <p>23 THE VIDEOGRAPHER: Going off the record at 12:02 p.m.</p>
Page 71	Page 73
<p>1 many times does she have to answer the question?</p> <p>2 Q. Was it more than a year ago?</p> <p>3 MR. QUINN: Objection. That question has already been asked.</p> <p>5 Q. Was it more than a year ago?</p> <p>6 A. I don't know.</p> <p>7 MR. QUINN: Objection again. It's been asked again.</p> <p>9 A. We --</p> <p>10 MR. QUINN: She's answered it twice now that she doesn't know.</p> <p>12 MR. MICHAEL F. PETOCK: Let the witness speak, Charlie.</p> <p>14 MR. QUINN: I'll let her speak when I get my objection out.</p> <p>16 Q. Will you answer the question?</p> <p>17 A. All I know is the advertising is updated. So that's all I can tell you. I don't know. You can't use the same ads over and over.</p> <p>20 Q. Well, were these audio tapes used many years ago or just a few years ago?</p> <p>22 A. I don't know.</p> <p>23 MR. QUINN: Objection. She's answered the question again she doesn't know.</p>	<p>1 -----</p> <p>2 THE VIDEOGRAPHER: Going back on the record at 12:11 p.m.</p> <p>4 MR. MICHAEL F. PETOCK: Charlie, what I would request that you do is to produce the remainder of the lease documents which are missing. We've only received a few pages. We received a page or two of the current renewal and apparently a signature page from back in '94. And we request that you produce the lease documents and any other documents that we've requested here today prior to the 30(b)(6) deposition scheduled for next week.</p> <p>13 BY MR. MICHAEL F. PETOCK:</p> <p>14 Q. Did you discuss with your counsel any of the questions that are being asked or anticipated being asked in the deposition during the break?</p> <p>17 A. No.</p> <p>18 Q. Are you under the influence of any medications or alcohol or anything when you are testifying here today which would affect your memory?</p> <p>21 A. No.</p> <p>22 Q. Have you ever carried out any responsibilities or duties as secretary of the corporation known as Van Scy Diamond Mine of</p>

Page 74	Page 76
1 Q. Delaware, Inc.?	1 A. I don't know.
2 A. I don't know what they would be. No.	2 Q. Do you know the last time Kurt spoke to Mark
3 Q. The answer is "no"?	3 Maurer?
4 A. What do you mean "responsibilities."	4 A. No, I do not.
5 Q. Well, have you done anything? Do you keep any	5 Q. You don't know what the names of the stores are
6 minutes? Do you do anything?	6 that he operates under, do you?
7 A. No.	7 A. No.
8 Q. Do you still have family living in Nanticoke?	8 Q. Who made the decision to open the store
9 A. Yes.	9 "Van Scoy Diamond Mine" in Delaware?
10 Q. How often do you get up to visit them?	10 A. Kurt.
11 A. Not often.	11 Q. You were part of that. Weren't you?
12 Q. In the period of 1994 to 2000, did you get up	12 A. I helped.
13 there often then?	13 Q. You contributed \$20,000. Isn't that correct?
14 A. I don't recall.	14 A. Yes.
15 Q. Do you know any other store besides your store	15 Q. Did you ever have any discussions with Tommy,
16 and plaintiff's store which operates under the name	16 Sr. about opening the store?
17 "Van Scoy Diamond Mine"?	17 A. Not that I recall.
18 A. I believe my brother-in-law Rick in Scranton.	18 Q. Do you believe that it was easier to open a
19 Q. Doesn't he operate under "Van Scoy Diamonds"?	19 store at 1117 Churchmans Road in Newark where
20 A. I'm not sure. It's confusing in the phone	20 previously Tommy, Sr. had operated a store for a
21 book.	21 number of years?
22 Q. Is there anyone else that you are aware of?	22 A. I don't know. I never opened a store before.
23 A. I know there is a store in Lancaster and one in	23 I don't know if it was easier.
24 North Carolina and one in Allentown and Reading.	24 Q. Do you believe it was easier?
	Page 75
1 Q. Do you know what those stores are using for	
2 names?	1 MR. QUINN: Easier than what?
3 A. No.	2 MR. MICHAEL F. PETOCK: Easier than
4 Q. You don't know if they're using "Van Scoy	3 opening a store someplace where there had never been a
5 Diamond Mine." Is that correct?	4 Van Scoy Diamond Mine.
6 A. Correct.	5 A. No.
7 Q. How did you and Kurt get to Charlie Quinn?	6 Q. What do you mean by "no"? No, you don't know
8 A. I don't know.	7 or no --
9 Q. Have you ever spoken to Mark Maurer?	8 A. No, I don't believe it would have been easier.
10 A. No.	9 Q. Do you know what was in the store when you
11 Q. Do you know anything about Mark Maurer?	10 first arrived?
12 A. Just what I have heard.	11 A. Nothing. Oh. There was a safe.
13 Q. What have you heard?	12 Q. Wasn't there also a sign on top "Van Scoy"?
14 A. That he owned a store.	13 A. That I don't remember.
15 Q. Where did he own a store at?	14 Q. What kind of safe was there when you arrived?
16 A. I am not sure.	15 A. I don't know what kind it is.
17 Q. Do you know where he lives?	16 Q. What size was it?
18 A. No.	17 A. I don't know what size it is.
19 Q. Do you know where you would call him at if you	18 Q. Six feet tall?
20 were going to call him?	19 A. Probably five or six.
21 A. No.	20 Q. Do you know where it came from?
22 Q. Have you ever spoken with him?	21 A. No.
23 A. No.	22 Q. But it was in the store when you arrived there.
24 Q. What is Kurt's relationship with Mark Maurer?	23 Right?
	24 A. Yes.

<p style="text-align: right;">Page 78</p> <p>1 Q. Was it blue? 2 A. Yes. 3 Q. Did Wayne ever expressly give you permission to 4 use the name "Van Scoy Diamond Mine," Wayne Van Scoy? 5 A. No. 6 Q. Did he ever give Kurt any permission to use 7 "Van Scoy Diamond Mine"? 8 A. I don't know. 9 Q. To your knowledge, did he ever give the 10 corporation any permission to use the name "Van Scoy 11 Diamond Mine"? 12 A. I don't know. 13 Q. Did Wayne Van Scoy ever imply he gave 14 permission to use the name "Van Scoy Diamond Mine"? 15 A. I didn't know we needed permission. 16 Q. That same answer would apply to Kurt and the 17 corporation. Correct? 18 A. That's correct. 19 Q. How did you find out about the bankruptcy of 20 Tommy Van Scoy, Sr.? 21 A. I don't remember. I just heard it, I guess. 22 Q. Where would you have heard it from? 23 A. That I don't remember. 24 Q. What did you know about the source of the</p>	<p style="text-align: right;">Page 80</p> <p>1 Mine store on Monday Street in Wilkes-Barre was 2 enjoyed from using the name "Van Scoy Diamond Mine" by 3 the bankruptcy court? 4 A. I just know that there was a bankruptcy thing. 5 I don't know that anyone was told not to use the name 6 or anything, the details of it. Only that there was a 7 bankruptcy. That's it. 8 Q. Do you recall any discussion at all of anyone 9 approaching your store, your company or you or Kurt 10 with respect to seeking a franchise to franchise 11 Van Scoy Diamond Mine, possibly in Baltimore or 12 something like that? 13 A. No. 14 Q. No knowledge of that? 15 A. No. 16 Q. Am I correct in saying that you don't know why 17 the domain name was changed from "Van Scoy Diamond 18 Mine.com" to "Van Scoy Diamonds of Delaware.com." Is 19 that correct? 20 A. Yes. 21 Q. Who made that decision? 22 A. For me not to know? 23 Q. No. To make that change in the domain name. 24 A. I don't know. I don't know anything about</p>
<p style="text-align: right;">Page 79</p> <p>1 financial difficulties of Tommy Van Scoy, Sr.? 2 A. I didn't know much. 3 Q. I'm sorry? 4 A. I didn't know much. 5 Q. What did you know? 6 A. Not much at all. Just that there was a 7 bankruptcy. 8 Q. Did you know that Pam and Rick Sendrick's store 9 in Scranton were enjoined from using the name 10 "Van Scoy Diamond Mine"? 11 A. No. I knew they were involved in the 12 bankruptcy. But that's all I know. 13 Q. How did you know they were involved in the 14 bankruptcy? 15 A. Just hearing it, I guess. 16 Q. Did you know that Betsy Williams was enjoyed 17 from using the name "Van Scoy Diamond Mine" in the 18 bankruptcy court? 19 A. I knew her name was in the bankruptcy, but 20 that's all. 21 Q. How did you know her name was in the 22 bankruptcy? 23 A. I don't know. 24 Q. Did you know that the store, Van Scoy Diamond</p>	<p style="text-align: right;">Page 81</p> <p>1 that, I have stated before. 2 Q. If it wasn't you, it would have been Kurt. 3 Right? 4 A. I guess. 5 Q. Since there is only two of you that have an 6 ownership interest in your company, is that correct, 7 Van Scoy Diamond Mine of Delaware? 8 A. Yes. 9 Q. Do you consider "Van Scoy Diamond Mine" to be 10 the same as "Van Scoy Diamonds" as far as the mark the 11 jewelry store services? 12 A. It depends. 13 Q. Depends on what? 14 A. Who is using it. If the person is Van Scoy, I 15 guess, yes. 16 Q. You would consider those two to be the same 17 then if the person was a Van Scoy? 18 A. I think so, in my opinion. 19 Q. Is "Van Scoy Diamond Mine" a better or more 20 creative mark than "Van Scoy Diamonds"? 21 A. I don't know if it's more creative. I don't 22 know. But I don't think about it that much. 23 Q. Do you think your business would be harmed if 24 it was forced to stop using "Van Scoy Diamond Mine"</p>

<p style="text-align: right;">Page 82</p> <p>1 but was permitted to use "Van Scy Diamonds"?</p> <p>2 A. No.</p> <p>3 Q. Are you aware of any customers of your store</p> <p>4 Van Scy Diamond Mine that were customers of the</p> <p>5 previous Van Scy Diamond Mine previous to 1994?</p> <p>6 A. Not that I know of.</p> <p>7 Q. Where do the majority of the customers of</p> <p>8 Van Scy Diamond Mine of Delaware, Inc. come from?</p> <p>9 MR. QUINN: Where did or do?</p> <p>10 Q. Do come from.</p> <p>11 A. Newark, surrounding areas.</p> <p>12 Q. How far does the average person travel to buy a</p> <p>13 diamond ring or jewelry?</p> <p>14 A. I don't know.</p> <p>15 Q. Do you think that someone on the Internet that</p> <p>16 came across the website Van Scy Diamond Mine.com</p> <p>17 would think there is a connection between that website</p> <p>18 and the store in Wilkes-Barre, Pennsylvania, operated</p> <p>19 by plaintiff?</p> <p>20 MR. QUINN: I think that question lacks</p> <p>21 foundation. So I object to it.</p> <p>22 A. I don't really know.</p> <p>23 Q. Are you aware of any complaints against any</p> <p>24 Van Scy Diamond Mine store?</p>	<p style="text-align: right;">Page 84</p> <p>1 A. No. All I saw was the letter.</p> <p>2 Q. What's your relationship with Tommy Van Scy,</p> <p>3 Jr.?</p> <p>4 A. My brother-in-law.</p> <p>5 Q. What is your relationship with your</p> <p>6 brother-in-law?</p> <p>7 A. Very good. Close.</p> <p>8 Q. How often do you speak to him?</p> <p>9 A. A couple times a week.</p> <p>10 Q. What do you speak about?</p> <p>11 A. Kids.</p> <p>12 Q. Kids?</p> <p>13 A. Children. He has a son the same age as my son.</p> <p>14 Just personal.</p> <p>15 Q. Do you ever talk about the litigation?</p> <p>16 A. No.</p> <p>17 Q. What's your relationship with Tony Van Scy?</p> <p>18 A. Close.</p> <p>19 Q. How often do you speak to him?</p> <p>20 A. Not as often. Maybe once a month.</p> <p>21 Q. Have you spoken to him at all about the</p> <p>22 litigation?</p> <p>23 A. No.</p> <p>24 Q. When was the last time Kurt spoke to Tommy</p>
<p style="text-align: right;">Page 83</p> <p>1 A. From customers?</p> <p>2 Q. Yes.</p> <p>3 A. Yes.</p> <p>4 Q. What are you aware of?</p> <p>5 A. There's always going to be some complaints.</p> <p>6 You can't just run a perfect business. I don't know</p> <p>7 of a particular instance.</p> <p>8 Q. Do you know anything specific?</p> <p>9 A. There was one recent that came to mind about</p> <p>10 someone purchased a diamond and they went to trade it</p> <p>11 in and they said it wasn't the diamond that it was</p> <p>12 supposedly purchased. I do have a letter from that</p> <p>13 person.</p> <p>14 Q. Where was that diamond purchased from?</p> <p>15 A. I don't recall which store, but Wayne</p> <p>16 Van Scy's name is at the bottom of the appraisal.</p> <p>17 Q. Is that the Delaware store?</p> <p>18 A. I don't recall which store it was purchased in.</p> <p>19 It was before my time.</p> <p>20 Q. That was purchased back prior to 1994?</p> <p>21 A. Yes.</p> <p>22 Q. But you don't know that the diamond that was</p> <p>23 brought in is the same diamond that was sold to that</p> <p>24 person either. Do you?</p>	<p style="text-align: right;">Page 85</p> <p>1 Van Scy, Jr.?</p> <p>2 A. Yesterday.</p> <p>3 Q. Do you know what the substance of that</p> <p>4 discussion was?</p> <p>5 A. Fish.</p> <p>6 Q. Anything about the litigation?</p> <p>7 A. No.</p> <p>8 Q. What's your relationship with Rick Sendrick?</p> <p>9 A. We don't have one.</p> <p>10 Q. Do you have any relationship with his wife,</p> <p>11 Pam?</p> <p>12 A. Not really.</p> <p>13 Q. What's your relationship with Ken Van Scy?</p> <p>14 A. We don't really have one.</p> <p>15 Q. When was the last time you saw Ken?</p> <p>16 A. At the funeral, Mr.'s funeral.</p> <p>17 Q. What's your relationship with Wayne Van Scy's?</p> <p>18 A. Don't have one.</p> <p>19 Q. My understanding is that at one time in the ten</p> <p>20 years since you've had the store you made some</p> <p>21 improvements to the store. Is that correct?</p> <p>22 A. Yes.</p> <p>23 Q. And what were those improvements?</p> <p>24 A. New carpeting, wallpaper.</p>

			Page 86	Page 88	
1	Q.	Did you extend the showroom, too?			
2	A.	Yes.			
3	Q.	By how much?			
4	A.	Four feet, five feet.			
5	Q.	When did that take place?			
6	A.	I am not sure of the exact date.			
7	Q.	What's your best estimate of the date?			
8	A.	Either '99 or 2000.			
9	Q.	How much did it cost?			
10	A.	I don't recall.			
11	Q.	Do you have some estimate?			
12	A.	A couple thousand.			
13	MR. MICHAEL F. PETOCK: I would like to				
14	take a five-minute break.				
15	THE VIDEOGRAPHER: Going off the record at				
16	12:31 p.m.				
17	-----				
18	THE VIDEOGRAPHER: Going back on the				
19	record at 12:37 p.m.				
20	MR. MICHAEL F. PETOCK: We would -- we're				
21	going to retain the originals of the exhibits and make				
22	copies for the court reporter. Is that acceptable?				
23	MR. QUINN: You are going to retain the				
24	original?				
			Page 87	Page 89	
1	MR. MICHAEL F. PETOCK: Yes.				
2	MR. QUINN: That's fine. We have a set.				
3	Are you finished?				
4	MR. MICHAEL F. PETOCK: We have no				
5	further questions.				
6	THE WITNESS: Okay.				
7	THE VIDEOGRAPHER: Going off the record at				
8	12:38 p.m.				
9	-----				
10					
11					
12					
13					
14					
15					
16					
17					
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23					
24					
			Page 86	Page 88	
1	1 I N D E X				
2	2 WITNESS: DONNA VAN SCY		PAGE		
3	3 Examination by Mr. Petock		3		
4	4 PLAINTIFF'S DEPOSITION EXHIBITS				
5	NO. MARKED				
6	17	Lease agreement	16		
7	18	1/10/05 Minutes of annual meeting of shareholders and directors	18		
8	19	1/10/04 Minutes of annual meeting of shareholders and directors	19		
9	20	1/10/03 Minutes of annual meeting of shareholders and directors	20		
10	21	1/10/02 Minutes of annual meeting of shareholders and directors	22		
11	22	1/10/01 Minutes of annual meeting of shareholders and directors	23		
12	23	1/10/00 Minutes of annual meeting of shareholders and directors	23		
13	24	1/10/99 Minutes of annual meeting of shareholders and directors	26		
14	25	1/10/98 Minutes of annual meeting of shareholders and directors	27		
15	26	Receipt, stamped D1243	42		
16	27	Receipt, stamped D1239	44		
17	28	Series of receipts, stamped D1233	47		
18	29	1243, 1268, 1269, D1390, D1391, D1438, D1509, D1513, D1539, D1540,			
19	30	D1588, D1633, D1638, D1644, D1657, D1684, D1698, D1729, D1738, D1751,			
20	31	D1762, D1767, D1775, D1791, D1799, D1296, D1340, D1370, D1374, D0987,			
21	32	D1013, D1016, D1067, D1080, D1083,			
22					
23					
24					
			Page 87	Page 89	
1	1 PLAINTIFF'S DEPOSITION EXHIBITS				
2	2 NO. MARKED				
3	29	Series of receipts, stamped D0979,	50		
4	30	D1092, D1395, D1404, D1416, D1449, D1455, D1464, D1479, D1488, D1532,			
5	31	D1541, D1548, D1573, D1579, D1607, D1639, D1650, D1652, D1662, D1683,			
6	32	D1737, D1295, D1299, D1335, D1362, D1377, D1380			
7	33	Cease and desist letter	52		
8	34	Van Scy Diamond Mine Registration	61		
9	35	and Certificate, stamped D0750			
10	36				
11	37				
12	38				
13	39				
14	40				
15	41				
16	42				
17	43				
18	44				
19	45				
20	46				
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24	50				
			Page 86	Page 88	